

AGENDA
RULES REVIEW COMMISSION
Thursday, April 21, 2022, 9:00 A.M.
1711 New Hope Church Rd., Raleigh, NC 27609

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
 - A. Environmental Management Commission - 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, .1405 (Liebman)
- IV. Review of Filings (Permanent Rules) for rules filed between February 22, 2022 through March 21, 2022
 - Board of Agriculture (Duke)
 - DHHS - Division of Health Benefits (Duke)
 - Department of Labor (Duke)
 - Alcoholic Beverage Control Commission (Duke)
 - Department of Environmental Quality (Duke)
 - Environmental Management Commission (Duke)
 - Marine Fisheries Commission 03 (Liebman)
 - Coastal Resources Commission (Duke)
 - Wildlife Resources Commission (Duke)
 - Marine Fisheries Commission 18A (Liebman)
 - Medical Board (Duke)
 - Board of Pharmacy (Liebman)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
 1. Commission for Public Health - 10A NCAC 41C .1001, .1002, .1003, .1004, .1005, .1006, .1007 (Liebman)
- VI. Existing Rules Review
- VII. Commission Business
 - Designation of Rulemaking Coordinator
 - Next meeting: May 19, 2022

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding

the Board of Pharmacy.

I have abstained because of a conflict

This the 21st day of April, 2012.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding

HB Mac 15C.0307.

I have abstained because Conflict of Interest potential

This the 21st day of April, 2022



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding the Medical Board.

I have abstained because of a conflict

This the 21st day of April, 2012.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

**RULES REVIEW COMMISSION MEETING
MINUTES
March 17, 2022**

The Rules Review Commission met on Thursday, March 17, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Randy Overton, and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Margaret Currin, Jeff Hyde, Barbara Jackson, and Paul Powell.

Staff members Alexander Burgos; Commission Counsel Lawrence Duke, Amber May, and Bill Peaslee were present in the room. Commission Counsel Brian Liebman was present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair introduced new Commission Counsel, Bill Peaslee, to the Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the February 17, 2022, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the meeting minutes were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

FOLLOW UP MATTERS

Environmental Management Commission

Upon the call of the chair, 15A NCAC 02L .0202 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Marine Fisheries Commission

Upon the call of the chair, 15A NCAC 03I .0108, .0115, .0122; 03J .0103, .0104, .0106, .0111, .0202, .0208, .0401, .0402; 03L .0207, .0210, .0301, .0302; 03M .0301, .0302, .0511, .0516, .0519; 18A .0134, .0136, .0137, .0138, .0139, .0144, .0145, .0147, .0148, .0149, .0151, .0152, .0153, .0156, .0157, .0158, .0161, .0162, .0164, .0165, .0166, .0168, .0173, .0174, .0175, .0176, .0177, .0178, .0181, .0182, .0183, .0184, .0185, .0186, .0187, and .0191 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the chair, 15A NCAC 07H .1101, .1102, .1103, .1104, .1105, .1801, .1802, .1803, .1804, and .1805 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

DHHS - Division of Health Benefits

Upon the call of the Chair, 10A NCAC 21A .0304 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Sheriffs' Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 10B .0405 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Department of Labor

Prior to the review of the rules from the Department of Labor, Commissioner Jackson recused herself and did not participate in any discussion or vote concerning the rules because of a conflict.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

Environmental Management Commission

Upon the call of the Chair, the period of review was extended as requested by the agency to address technical changes by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Board of Barber Examiners

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

EXISTING RULES REVIEW

State Board of Education

16 NCAC 06 - Upon the call of the Chair, the Commission approved the report as submitted by the agency, by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

COMMISSION BUSINESS

The Chair recognized outgoing Commission Counsel, Amber May for her service to the RRC.

The meeting adjourned at 9:14 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 21, 2022, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

DRAFT

March 17, 2022

Rules Review Commission
Meeting
Please Print Legibly

[illegible]

Rules Review Commission Meeting March 17, 2022
Held Via WebEx

Name	Agency
Dennis Seavers	Barber Examiners
Cassie Gavin	Sierra Club
Pearson Cost	UNC
Brandi Salmon	DEQ
Carla Rose	Labor
Paul Wojoski	DEQ
Brandon Walker	DPI
Shannon Jenkins	DEQ
Britne Becker	Labor
Anne Coan	Farm Bureau
Kim Harron	DHHS
D Hargrove	DEQ
Laura Rowe	Treasurer
Elizabeth Kountis	DEQ
Dakota Loveland	Southern Environmental Law
Christopher Ventaloro	DEQ
David Rittlinger	DOI
Charminique Williams	CJETS
Catherine Blum	MFC
Jason Walsh	DEQ
Jill Cramer	Labor
Christy Goebel	DEQ
Helen Landi	DOT
Sue Homewood	DEQ
Lou Martin	DPI
Jeff Manning	DEQ
Shazia Keller	DHHS
Hannah Jernigan	DOT

Burgos, Alexander N

From: Everett, Jennifer
Sent: Tuesday, April 5, 2022 4:24 PM
To: Liebman, Brian R
Cc: Homewood, Sue; Burgos, Alexander N
Subject: RE: RRC Requests for Technical Changes

Thank you, Brian, for the dates.

We will be in touch.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deg.nc.gov/permits-rules/rules-regulations/deg-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, April 5, 2022 9:45 AM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hi Jennifer,

Thanks for getting back to me. I'll be out of the office the first week of May, and will be back May 9. So we can hit the ground running when I get back, let's make the due date for the responses to my requests for changes 5:00 p.m. on Friday, May 6, and we'll go from there.

If that doesn't work for you, let me know, and we can try to work something else out.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Sent: Thursday, March 31, 2022 1:49 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Requests for Technical Changes

Hi Brian,

We are continuing to work through the technical change requests. Our plan is to have the rules reviewed at the May RRC meeting.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, March 22, 2022 2:38 PM

To: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Requests for Technical Changes

Good afternoon,

Attached is a letter officially confirming the extension requested by the agency and approved by RRC at last week's meeting.

Please let me know whether the agency has plans at this time to bring these back before RRC at the April or May meetings, and I will set some timeframes for getting responses back, etc.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948

brian.liebman@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Monday, March 14, 2022 10:11 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: RRC Requests for Technical Changes

Good morning Brian,

We are still intending to request the extension for the period of review pursuant to G.S. 150B-21.13.

I will work with staff and our Commission Counsel to see when we can get it in within the extension period.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main>

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From: "Liebman, Brian R" <brian.liebman@oah.nc.gov>
Date: Friday, March 11, 2022 at 5:18 PM
To: "Everett, Jennifer" <jennifer.everett@ncdenr.gov>
Cc: "Homewood, Sue" <sue.homewood@ncdenr.gov>, Alexander Burgos <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Technical Changes

Hi Jennifer,

I was just following up to see what your plans were with these rules, or if you were going to go with the extension request.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings

(984)236-1948

brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Sent: Thursday, March 10, 2022 3:03 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Requests for Technical Changes

Hi Brian,

I appreciate your inquiry. I will reach out to staff and our Commission Counsel to see what can be done.

Jennifer

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8614

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Thursday, March 10, 2022 1:38 PM

To: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Requests for Technical Changes

Hi Jennifer,

Thanks for letting me know. While I am not opposed to an extension, and will recommend to RRC that they grant it, is there anyway to complete review of these rules this month? I only ask because it appears that next month may be quite busy here, we have had a lot of public comment, and it may be to everyone's benefit to get these done this month.

Thanks,

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

brian.liebman@oah.nc.gov

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From: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Sent: Thursday, March 10, 2022 10:12 AM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>

Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RRC Requests for Technical Changes

Hello Brian,

We are kindly requesting an extension for the period of review for 15A NCAC 02H .1301 and .1400. This extension will allow additional time for staff to address your technical change requests.

Let us know if you have any questions.

Thank you.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Monday, February 28, 2022 8:06 PM

To: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Homewood, Sue <sue.homewood@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RRC Requests for Technical Changes

Good evening,

I'm the attorney who reviewed the Rules submitted by the Environmental Management Commission for the March 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 17, 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.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, March 11, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

March 22, 2022

Jennifer Everett
Environmental Management Commission
Sent via email only to: jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review for 15A NCAC 02H .1301, .1401, .1402, .1403, .1404, and .1405.

Dear Ms. Everett:

At its meeting last week, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review in order to allow the Commission additional time to address technical change requests.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Brian Liebman
Commission Counsel

Cc: Sue Homewood

Donald R. van der Vaart, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

Commission Review

Log of Permanent Rule Filings

February 22, 2022 through March 21, 2022

* Approval Recommended, ** Objection Recommended, *** Other

AGRICULTURE, BOARD OF

The rules in Chapter 38 are enforced by the standards division and include purpose and definitions (.0100); approval of weighing and measuring devices (.0200); package and labeling requirements (.0300); method of sale and commodities (.0400); leaf tobacco (.0500); sale of petroleum products (.0600); standards for storage, handling and installation of LP gas (.0700); and liquid fertilizers (.0800).

Notification for Disconnection of Service 02 NCAC 38 .0705
Amend*

The rules in Subchapter 52L concern farmed cervids including farmed cervid license and permit (.0100); enclosure requirements (.0200); enforcement (.0300); and herd certification programs (.0400).

Incorporation by Reference 02 NCAC 52L .0101
Amend*

Definitions 02 NCAC 52L .0102
Amend*

Farmed Cervid License 02 NCAC 52L .0104
Amend*

Denial of Farmed Cervid License 02 NCAC 52L .0105
Amend*

Temporary Exhibit Permit 02 NCAC 52L .0106
Amend*

Records and Inspection 02 NCAC 52L .0109
Amend*

Escape, Disappearance, or Breach of Facility 02 NCAC 52L .0110
Amend*

Reporting CWD Symptoms and Farmed Cervid Death 02 NCAC 52L .0111
Amend*

Animal Identification 02 NCAC 52L .0112
Amend*

Transportation Permit 02 NCAC 52L .0113
Amend*

Enclosure Requirements 02 NCAC 52L .0201
Amend*

License or Permit Revocation, Forfeiture, and Depopulation 02 NCAC 52L .0301
Amend*

North Carolina Farmed Cervid Herd Certification Program 02 NCAC 52L .0401
Amend*

North Carolina Monitored Herd Certification Program 02 NCAC 52L .0402
Repeal*

HHS - HEALTH BENEFITS, DIVISION OF

The rules in Chapter 23 concern the administration of medical assistance.

The rules in Subchapter 23A concern general administration of the program.

<u>Definitions</u>	10A NCAC 23A .0102
Amend*	

LABOR, DEPARTMENT OF

The rules in Chapter 1 are departmental rules.

The rules in Subchapter 1B concern rule-making and administrative hearing procedures.

<u>Instructions for Filing a Petition for Rulemaking</u>	13 NCAC 01B .0101
Amend*	
<u>Mailing List</u>	13 NCAC 01B .0102
Amend*	
<u>Disposition of Petitions</u>	13 NCAC 01B .0103
Repeal*	

ALCOHOLIC BEVERAGE CONTROL COMMISSION

The rules in Subchapter 15C concern industry members, retail/industry member relationships, ship chandlers, air carriers, and fuel alcohol including definitions and application procedures (.0100); product approvals, listing procedures and product lists (.0200); packaging and labeling of malt beverages and wine (.0300); standards of identity for wine containers (.0400); general provisions for industry members (.0500); sales and deliveries of malt beverages and wine (.0600); alcoholic beverages, retailer/industry member relationship and trade practices (.0700); ships Chandler's permit (.0800); distillers and representatives (.0900); air carriers (.1000); fuel alcohol permits (.1100); administrative action by commission (.1200); and special event permits (.1300).

<u>Growlers</u>	14B NCAC 15C .0307
Amend*	

ENVIRONMENTAL QUALITY, DEPARTMENT OF

The rules in Chapter 1 are general rules covering the department, its organization, and certain specific programs.

The rules in Subchapter 1C cover provisions for conforming with the NC Environmental Policy Act and cover general provisions (.0100); integration with agency activity (.0200); special circumstances (.0300); minimum criteria (.0400); and minimum criteria (.0500).

<u>Statement of Purpose, Policy, and Scope</u>	15A NCAC 01C .0101
Readopt with Changes*	
<u>Definitions</u>	15A NCAC 01C .0103
Readopt with Changes*	
<u>Agency Compliance</u>	15A NCAC 01C .0104
Readopt with Changes*	
<u>Lead and Cooperating Divisions Responsibility</u>	15A NCAC 01C .0105

Readopt with Changes*	
<u>Scoping and Hearings</u>	15A NCAC 01C .0106
Readopt with Changes*	
<u>Limitation on Actions During NCEPA Process</u>	15A NCAC 01C .0107
Readopt with Changes*	
<u>Emergencies</u>	15A NCAC 01C .0108
Readopt with Changes*	
<u>Preparation of Environmental Documents</u>	15A NCAC 01C .0109
Readopt with Changes*	
<u>Implementation</u>	15A NCAC 01C .0205
Readopt/Repeal*	
<u>When to Prepare Environmental Documents</u>	15A NCAC 01C .0206
Readopt with Changes*	
<u>Incorporation by Reference</u>	15A NCAC 01C .0207
Readopt with Changes*	
<u>Incomplete or Unavailable Information</u>	15A NCAC 01C .0208
Readopt with Changes*	
<u>Activities Above the Minimum Criteria</u>	15A NCAC 01C .0304
Readopt/Repeal*	
<u>Activities Undertaken by DEQ</u>	15A NCAC 01C .0305
Readopt with Changes*	
<u>Activities of a Special Nature</u>	15A NCAC 01C .0306
Readopt with Changes*	
<u>Purpose of the Minimum Criteria Thresholds</u>	15A NCAC 01C .0405
Readopt with Changes*	
<u>Sampling, Survey, Monitoring, and Related Research Activi...</u>	15A NCAC 01C .0406
Readopt with Changes*	
<u>Standard Maintenance or Repair Activities</u>	15A NCAC 01C .0407
Readopt with Changes*	
<u>Minor Construction Activities</u>	15A NCAC 01C .0408
Readopt with Changes*	
<u>Management Activities</u>	15A NCAC 01C .0409
Readopt with Changes*	
<u>Private Use of Public Lands</u>	15A NCAC 01C .0410
Readopt with Changes*	
<u>Remediation Activities</u>	15A NCAC 01C .0411
Readopt with Changes*	

The rules in Subchapter 1D concern project certification relating to industrial and private pollution control revenue bond.

<u>Definitions of Terms</u>	15A NCAC 01D .0102
Readopt with Changes*	
<u>Proposed Industrial Project</u>	15A NCAC 01D .0302
Readopt with Changes*	
<u>Proposed Pollution Control Project</u>	15A NCAC 01D .0303
Readopt with Changes*	
<u>Proposed Hazardous Waste Facility</u>	15A NCAC 01D .0305
Adopt*	

ENVIRONMENTAL MANAGEMENT COMMISSION

The rules in Subchapter 2B pertain to surface water standards and monitoring including procedures for assignment of water quality standards (.0100); the standards used to classify the waters of the state (.0200); stream classifications (.0300); effluent limitations (.0400); monitoring and reporting requirements (.0500); and water quality management plans (.0600).

<u>Definitions</u>	15A NCAC 02B .0202
Amend*	
<u>Standards for Toxic Substances and Temperature</u>	15A NCAC 02B .0208
Amend**	
<u>Fresh Surface Water Quality Standards for Class C Waters</u>	15A NCAC 02B .0211
Amend*	
<u>Fresh Surface Water Quality Standards for Class WS-I Waters</u>	15A NCAC 02B .0212
Amend**	
<u>Fresh Surface Water Quality Standards for Class WS-II Waters</u>	15A NCAC 02B .0214
Amend**	
<u>Fresh Surface Water Quality Standards for Class WS-III Wa...</u>	15A NCAC 02B .0215
Amend**	
<u>Fresh Surface Water Quality Standards for Class WS-IV Waters</u>	15A NCAC 02B .0216
Amend**	
<u>Fresh Surface Water Quality Standards for Class WS-V Waters</u>	15A NCAC 02B .0218
Amend**	
<u>Fresh Surface Water Quality Standards for Class B Waters</u>	15A NCAC 02B .0219
Amend*	
<u>Tidal Salt Water Quality Standards for Class SC Waters</u>	15A NCAC 02B .0220
Amend*	
<u>Classifications: General</u>	15A NCAC 02B .0301
Amend*	
<u>Cape Fear River Basin</u>	15A NCAC 02B .0311
Amend*	

The rules in Subchapter 2D are air pollution control requirements including definitions and references (.0100); air pollution sources (.0200); air pollution emergencies (.0300); ambient air quality standards (.0400); emission control standards (.0500); monitoring: recordkeeping: reporting (.0600); volatile organic compounds (.0900); motor vehicle emission control standard (.1000); control of toxic air pollutants (.1100); control of emissions from incinerators and combustion units (.1200); nitrogen oxides (.1400); municipal solid waste landfills (.1700); control of odors (.1800); open burning (.1900); transportation conformity (.2000); risk management program (.2100); special orders (.2200); banking emission reduction credits (.2300); and source testing (.2600).

<u>Definitions</u>	15A NCAC 02D .1401
Amend*	
<u>Applicability</u>	15A NCAC 02D .1402
Amend*	
<u>Large Non-Electric Generating Units</u>	15A NCAC 02D .1424
Adopt*	
<u>NOx SIP Call Budget</u>	15A NCAC 02D .1425
Adopt*	

MARINE FISHERIES COMMISSION

The rules in Subchapter 3I are general and miscellaneous rules.

<u>Definitions</u>	15A NCAC 03I .0101
Readopt with Changes*	
<u>Introduce, Transfer, or Hold Imported Marine and Estuarine...</u>	15A NCAC 03I .0104
Readopt with Changes*	
<u>Leaving Devices Unattended</u>	15A NCAC 03I .0105
Readopt with Changes*	
<u>Research Sanctuaries</u>	15A NCAC 03I .0109
Readopt with Changes*	
<u>Biological Sampling</u>	15A NCAC 03I .0113
Readopt with Changes*	
<u>Recordkeeping Requirements</u>	15A NCAC 03I .0114
Readopt with Changes*	
<u>Disposal of Evidence</u>	15A NCAC 03I .0118
Readopt with Changes*	

The rules in Subchapter 3J concern the use of nets in general (.0100) and in specific areas (.0200); the use of pots, dredges, and other fishing devices (.0300); fishing gear (.0400); and pound nets (.0500).

<u>Fixed or Stationary Nets</u>	15A NCAC 03J .0101
Readopt with Changes*	
<u>Purse Seines</u>	15A NCAC 03J .0105
Readopt with Changes*	
<u>Long Haul and Swipe Net Requirements</u>	15A NCAC 03J .0109
Readopt with Changes*	
<u>Seines</u>	15A NCAC 03J .0110
Readopt with Changes*	
<u>Pots</u>	15A NCAC 03J .0301
Readopt with Changes*	
<u>Recreational Use of Pots</u>	15A NCAC 03J .0302
Readopt with Changes*	
<u>Trotlines (Multiple Hook or Multiple Bait)</u>	15A NCAC 03J .0305
Readopt with Changes*	
<u>Ocean Artificial Reef Gear Restrictions</u>	15A NCAC 03J .0404
Adopt*	
<u>Definitions and Standards for Pound Nets and Pound Net Sets</u>	15A NCAC 03J .0501
Readopt with Changes*	
<u>Pound Net Set Permit Application and Processing</u>	15A NCAC 03J .0502
Readopt with Changes*	
<u>Pound Net Set Permit Renewal</u>	15A NCAC 03J .0503
Readopt with Changes*	
<u>Pound Net Set Permit Transfer</u>	15A NCAC 03J .0504
Readopt with Changes*	
<u>Pound Net Set Permit Conditions</u>	15A NCAC 03J .0505
Readopt with Changes*	

The rules in subchapter 3K concern oyster, clams, scallops, and mussels including shellfish, general (.0100); crabs (.0200); hard clams (mercenaria) (.0300); rangia clams (.0400); and scallops (.0500).

<u>Prohibited Activities in Polluted Shellfish Areas</u>	15A NCAC 03K .0101
Readopt with Changes*	
<u>Rakes Prohibited</u>	15A NCAC 03K .0102
Readopt with Changes*	
<u>Shellfish Management Areas</u>	15A NCAC 03K .0103
Readopt with Changes*	
<u>Permits for Relaying Shellfish from Polluted Areas</u>	15A NCAC 03K .0104
Readopt with Changes*	
<u>Recreational Harvest of Shellfish</u>	15A NCAC 03K .0105
Readopt with Changes*	
<u>Taking or Unloading Oysters and Clams on Sunday or at Night</u>	15A NCAC 03K .0106
Readopt with Changes*	
<u>Depuration of Clams and Oysters</u>	15A NCAC 03K .0107
Readopt with Changes*	
<u>Dredges and Mechanical Methods Prohibited</u>	15A NCAC 03K .0108
Readopt with Changes*	
<u>Shellfish Harvest Tags</u>	15A NCAC 03K .0109
Readopt with Changes*	
<u>Permits to Use Mechanical Methods for Shellfish on Shellf...</u>	15A NCAC 03K .0111
Readopt/Repeal*	
<u>Oyster Harvest Management</u>	15A NCAC 03K .0201
Readopt with Changes*	
<u>Culling Requirements for Oysters</u>	15A NCAC 03K .0202
Readopt with Changes*	
<u>Mechanical Methods for Oystering Prohibited</u>	15A NCAC 03K .0204
Readopt with Changes*	
<u>Marketing Oysters Taken from a Shellfish Lease or Franchise</u>	15A NCAC 03K .0205
Readopt with Changes*	
<u>Oyster Size and Harvest Limit Exemptions</u>	15A NCAC 03K .0207
Readopt with Changes*	
<u>Seed Oyster Management Areas</u>	15A NCAC 03K .0208
Readopt with Changes*	
<u>Oyster Sanctuaries</u>	15A NCAC 03K .0209
Readopt with Changes*	
<u>Size and Harvest Limits of Clams</u>	15A NCAC 03K .0301
Readopt with Changes*	
<u>Mechanical Harvest of Clams from Public Bottom</u>	15A NCAC 03K .0302
Readopt with Changes*	
<u>Prohibited Taking of Clams</u>	15A NCAC 03K .0304
Readopt with Changes*	
<u>Clam Size and Harvest Limit Exemptions</u>	15A NCAC 03K .0305
Readopt with Changes*	
<u>Polluted Area Permit</u>	15A NCAC 03K .0401
Readopt with Changes*	
<u>Sea Scallops Size Limit and Tolerance</u>	15A NCAC 03K .0505
Readopt with Changes*	

<u>Marketing Scallops Taken from a Shellfish Lease or Franchise</u> Amend*	15A NCAC 03K .0507
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The rules in Subchapter 3L concern shrimp (.0100); crab (.0200); and lobster (.0300).

<u>Shrimp Harvest Restrictions</u> Readopt with Changes*	15A NCAC 03L .0101
<u>Weekend Shrimping Prohibited</u> Readopt with Changes*	15A NCAC 03L .0102
<u>Prohibited Nets, Mesh Lengths, and Areas</u> Readopt with Changes*	15A NCAC 03L .0103
<u>Recreational Shrimp Limits</u> Readopt with Changes*	15A NCAC 03L .0105
<u>Crab Harvest Restrictions</u> Readopt with Changes*	15A NCAC 03L .0201
<u>Crab Trawling</u> Readopt with Changes*	15A NCAC 03L .0202
<u>Crab Dredging</u> Readopt with Changes*	15A NCAC 03L .0203
<u>Crab Pots</u> Readopt with Changes*	15A NCAC 03L .0204
<u>Crab Spawning Sanctuaries</u> Readopt with Changes*	15A NCAC 03L .0205

The rules in Subchapter 3M cover harvesting of finfish including general rules (.0100); striped bass (.0200); mackerel (.0300); menhaden and Atlantic herring (.0400); and other finfish (.0500).

<u>Striped Bass Requirements; General</u> Readopt with Changes*	15A NCAC 03M .0201
<u>Striped Bass Season, Size, and Harvest Limit: Internal Wa...</u> Readopt with Changes*	15A NCAC 03M .0202
<u>Striped Bass Season, Size, and Harvest Limit: Atlantic Ocean</u> Readopt with Changes*	15A NCAC 03M .0204
<u>Striped Bass; Prohibited Trawling</u> Readopt with Changes*	15A NCAC 03M .0205
<u>Flounder</u> Readopt with Changes*	15A NCAC 03M .0503

The rules in Subchapter 3N concern fish habitat areas.

<u>Prohibited Gear, Primary Nursery Areas</u> Readopt with Changes*	15A NCAC 03N .0104
<u>Prohibited Gear, Secondary Nursery Areas</u> Readopt with Changes*	15A NCAC 03N .0105

The rules in Subchapter 3O cover various licenses (.0100); leases and franchises (.0200); license appeal procedures (.0300); Standard Commercial Fishing License Eligibility Board (.0400); and licenses, leases and franchises (.0500).

<u>Procedures and Requirements to Obtain Licenses, Endorsement...</u> Readopt with Changes*	15A NCAC 03O .0101
<u>Procedures and Requirements to Renew Licenses, Endorsement...</u> Readopt with Changes*	15A NCAC 03O .0102

<u>Auxiliary Vessels</u>	15A NCAC 03O .0103
Readopt with Changes*	
<u>Commercial Unloading of Fish</u>	15A NCAC 03O .0104
Readopt with Changes*	
<u>Requirements for Bait and Mussel Dealers</u>	15A NCAC 03O .0105
Readopt with Changes*	
<u>License Replacement and Fees</u>	15A NCAC 03O .0107
Readopt with Changes*	
<u>Assignment of Standard Commercial Fishing License</u>	15A NCAC 03O .0109
Readopt with Changes*	
<u>License Refunds</u>	15A NCAC 03O .0110
Readopt with Changes*	
<u>Surrender of Licenses</u>	15A NCAC 03O .0111
Readopt with Changes*	
<u>Ocean Fishing Pier Reporting Requirements</u>	15A NCAC 03O .0113
Readopt with Changes*	
<u>Suspension, Revocation and Reissuance of Licenses</u>	15A NCAC 03O .0114
Readopt with Changes*	
<u>Shellfish Lease Application Processing</u>	15A NCAC 03O .0203
Readopt with Changes*	
<u>Shellfish Lease Renewal</u>	15A NCAC 03O .0205
Readopt with Changes*	
<u>Shellfish Lease Application: Request for Review</u>	15A NCAC 03O .0206
Readopt with Changes*	
<u>Shellfish Lease and Franchise Production Reports</u>	15A NCAC 03O .0207
Readopt with Changes*	
<u>Termination Procedures for Shellfish Leases and Franchises</u>	15A NCAC 03O .0208
Readopt with Changes*	
<u>Transfer of Interest</u>	15A NCAC 03O .0209
Readopt with Changes*	
<u>Standards and Requirements for Franchises</u>	15A NCAC 03O .0210
Readopt with Changes*	
<u>Fishing Gear Requirements for Shellfish Leases and Franch...</u>	15A NCAC 03O .0211
Readopt with Changes*	
<u>Eligibility for Recreational Commercial Gear Licenses</u>	15A NCAC 03O .0301
Readopt with Changes*	
<u>Authorized Gear for Recreational Commercial Gear Licenses</u>	15A NCAC 03O .0302
Readopt with Changes*	
<u>Possession Limits for Recreational Commercial Gear Licenses</u>	15A NCAC 03O .0303
Readopt with Changes*	
<u>Standard Commercial Fishing License Eligibility Board</u>	15A NCAC 03O .0401
Readopt with Changes*	
<u>Standard Commercial Fishing License Eligibility Applicati...</u>	15A NCAC 03O .0402
Readopt with Changes*	
<u>Standard Commercial Fishing License Eligibility Board Review</u>	15A NCAC 03O .0403
Readopt with Changes*	
<u>Standard Commercial Fishing License Eligibility Criteria</u>	15A NCAC 03O .0404
Readopt with Changes*	
<u>Standard Commercial Fishing License Eligibility Pool Appl...</u>	15A NCAC 03O .0405

Readopt with Changes*	
<u>Standard Commercial Fishing License Eligibility Pool Cert...</u>	15A NCAC 03O .0406
Readopt with Changes*	
<u>General Permit Conditions</u>	15A NCAC 03O .0502
Readopt with Changes*	
<u>Suspension and Revocation of Permits</u>	15A NCAC 03O .0504
Readopt with Changes*	

The rules in Subchapter 3P concern administrative procedures (.0100); declaratory rules (.0200); and petitions for rulemaking (.0300).

<u>License, Permit, or Certificate Denial: Request for Review</u>	15A NCAC 03P .0101
Readopt with Changes*	
<u>Contested Case Hearing Procedures</u>	15A NCAC 03P .0102
Readopt with Changes*	
<u>Declaratory Rulings: Generally</u>	15A NCAC 03P .0201
Readopt with Changes*	
<u>Procedure for Requesting Declaratory Rulings</u>	15A NCAC 03P .0202
Readopt with Changes*	
<u>Disposition of Requests for Declaratory Ruling</u>	15A NCAC 03P .0203
Readopt with Changes*	
<u>Form and Contents of Petitions for Rulemaking</u>	15A NCAC 03P .0301
Readopt with Changes*	
<u>Review of Rulemaking Petitions by a Committee of the Comm...</u>	15A NCAC 03P .0302
Readopt with Changes*	
<u>Presentation of Rulemaking Petitions to the Commission</u>	15A NCAC 03P .0303
Readopt with Changes*	
<u>Recourse to Denial of the Petition</u>	15A NCAC 03P .0304
Readopt/Repeal*	

The rules in Subchapter 3R specify boundaries for various areas (.0100); and fishery management areas (.0200).

<u>Crab Spawning Sanctuaries</u>	15A NCAC 03R .0110
Amend*	
<u>Purse Seines Prohibited</u>	15A NCAC 03R .0111
Amend*	
<u>Crab Harvest Management Areas</u>	15A NCAC 03R .0118
Amend*	
<u>Ocean Artificial Reefs</u>	15A NCAC 03R .0119
Adopt*	

COASTAL RESOURCES COMMISSION

The rules in Subchapter 7H are the state guidelines for areas of environmental concern (AECs) including introduction and general comments (.0100); the estuarine system (.0200); ocean hazard areas (.0300); public water supplies (.0400); natural and cultural resource areas (.0500); development standards (.0600); general permits for construction or maintenance of bulkheads and the placement of riprap for shoreline protection in estuarine and public trust waters (.1100); piers, docks and boat houses in estuarine and public trust waters (.1200); general permit to construct boat ramps along estuarine and public trust shorelines and into estuarine and public trust waters (.1300); groins in estuarine and public

trust waters (.1400); excavation within or connecting to existing canals, channels, basins, or ditches in estuarine waters, public trust waters, and estuarine shoreline AECs (.1500); aerial and subaqueous utility lines with attendant structures in coastal wetlands, estuarine waters, public trust waters and estuarine shorelines (.1600); emergency work requiring a CAMA or a dredge and fill permit (.1700); beach bulldozing landward of the mean high-water mark in the ocean hazard AEC (.1800); general permit to allow for temporary structures within the estuarine and ocean AECs (.1900); authorizing minor modifications and repair to existing pier/mooring facilities in estuarine and public trust waters and ocean hazard areas (.2000); construction of sheetpile sill for shoreline protection in estuarine and public trust waters (.2100); construction of freestanding moorings in established waters and public trust areas (.2200); replacement of existing bridges and culverts in estuarine waters, estuarine shorelines, public trust areas and coastal wetlands (.2300); placement of riprap for wetland protection in estuarine and public trust waters (.2400); emergency general permit, to be initiated at the discretion of the Secretary of the Department of Environment and Natural Resources for replacement of structures; the reconstruction of primary or frontal dune systems; and the maintenance excavation of existing canals, basins, channels, or ditches, damaged, destroyed, or filled in by hurricanes or tropical storms, provided all replacement, reconstruction and maintenance excavation activities conform to all current standards (.2500); construction of wetland, stream and buffer mitigation sites by the North Carolina Ecosystem Enhancement Program or the North Carolina Wetlands Restoration Program (.2600); and the construction of riprap sills for wetland enhancement in estuarine and public trust waters (.2700).

<u>Purpose</u>	15A NCAC 07H .1701
Readopt without Changes*	
<u>Approval Procedures</u>	15A NCAC 07H .1702
Readopt without Changes*	
<u>Permit Fee</u>	15A NCAC 07H .1703
Readopt without Changes*	
<u>General Conditions</u>	15A NCAC 07H .1704
Readopt without Changes*	
<u>Specific Conditions</u>	15A NCAC 07H .1705
Readopt without Changes*	
<u>Purpose</u>	15A NCAC 07H .1901
Readopt without Changes*	
<u>Approval Procedures</u>	15A NCAC 07H .1902
Readopt without Changes*	
<u>Permit Fee</u>	15A NCAC 07H .1903
Readopt without Changes*	
<u>General Conditions</u>	15A NCAC 07H .1904
Readopt without Changes*	
<u>Specific Conditions</u>	15A NCAC 07H .1905
Readopt without Changes*	
<u>Purpose</u>	15A NCAC 07H .2501
Readopt without Changes*	
<u>Approval Procedures</u>	15A NCAC 07H .2502
Readopt without Changes*	
<u>Permit Fee</u>	15A NCAC 07H .2503
Readopt without Changes*	
<u>General Conditions</u>	15A NCAC 07H .2504
Readopt without Changes*	
<u>Specific Conditions</u>	15A NCAC 07H .2505
Readopt without Changes*	

WILDLIFE RESOURCES COMMISSION

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv) (.1400); and evidence (.1500).

License Fees Amend*

15A NCAC 10A .1601

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10B are hunting and trapping rules and cover general hunting and wildlife provisions (.0100), hunting specific animals (.0200), trapping (.0300), and tagging furs (.0400).

Importation of Wild Animals and Birds Readopt with Changes*

15A NCAC 10B .0101

Migratory Game Birds Readopt with Changes*

15A NCAC 10B .0105

Restrictions on Raccoon and Opossum Hunting Readopt/Repeal*

15A NCAC 10B .0111

Wildlife Collectors Readopt with Changes*

15A NCAC 10B .0119

Limitations on Certain Exotic Species Readopt with Changes*

15A NCAC 10B .0123

Deer (White Tailed) Readopt with Changes*

15A NCAC 10B .0203

Raccoon and Opossum Readopt with Changes*

15A NCAC 10B .0205

Squirrels Amend*

15A NCAC 10B .0206

Tagging Furs Readopt with Changes*

15A NCAC 10B .0402

Application for Tags Readopt with Changes*

15A NCAC 10B .0403

The rules in Subchapter 10C cover inland fishing including jurisdictional issues involving the Marine Fisheries Commission (.0100); general rules (.0200); game fish (.0300); non-game fish (.0400); primary nursery areas (.0500); and anadromous fish spawning areas (.0600).

Public Mountain Trout Waters Amend*

15A NCAC 10C .0205

Striped Bass Amend*

15A NCAC 10C .0314

The rules in Chapter 10 are promulgated by the Wildlife Resources Commission and concern wildlife resources and water safety. The rules in Subchapter 10D are game lands rules.

General Regulations Regarding Use Amend*

15A NCAC 10D .0102

Bear Sanctuaries Amend*

15A NCAC 10D .0106

The rules in Subchapter 10E concern fishing and boating access areas.

Use of Areas Regulated
Amend*

15A NCAC 10E .0104

The rules in Subchapter 10H concern activities regulated by the Commission including controlled hunting preserves for domestically raised game birds (.0100), holding wildlife in captivity (.0300), commercial trout ponds (.0400), fish propagation (.0700), falconry (.0800), game bird propagators (.0900), taxidermy (.1000), furbearer propagation (.1100), controlled fox hunting preserves (.1200), reptiles and amphibians (.1300), wildlife captivity and rehabilitation (.1400), wildlife and alligator control agents (.1500).

Commercial Take of Certain Turtles Prohibited
Amend*

15A NCAC 10H .1301

Possession of Reptiles and Amphibians
Amend*

15A NCAC 10H .1302

Captivity License for Rehabilitation
Amend*

15A NCAC 10H .1402

MARINE FISHERIES COMMISSION

The rules in Chapter 18 cover environmental aspects of health such as sanitation (18A), mosquito control (18B), water supplies (18C), and water treatment facility operators (18D). The rules in Subchapter 18A deal with sanitation and include handling, packing and shipping of crustacean meat (.0100) and shellfish (.0300 and .0400); operation of shellstock plants and reshippers (.0500); shucking and packing plants (.0600); depuration mechanical purification facilities (.0700); wet storage of shellstock (.0800); shellfish growing waters (.0900); summer camps (.1000); grade A milk (.1200); hospitals, nursing homes, rest homes, etc. (.1300); mass gatherings (.1400); local confinement facilities (.1500); residential care facilities (.1600); protection of water supplies (.1700); lodging places (.1800); sewage treatment and disposal systems (.1900); migrant housing (.2100); bed and breakfast homes (.2200); delegation of authority to enforce rules (.2300); public, private and religious schools (.2400); public swimming pools (.2500); restaurants, meat markets, and other food handling establishments (.2600); child day care facilities (.2800); restaurant and lodging fee collection program (.2900); bed and breakfast inns (.3000); lead poisoning prevention (.3100); tattooing (.3200); adult day service facilities (.3300); primitive camps (.3500); rules governing the sanitation of resident camps (.3600); and private drinking water well sampling (.3800).

Permits
Readopt with Changes*

15A NCAC 18A .0135

Permits
Readopt with Changes*

15A NCAC 18A .0302

Relaying Permits
Readopt/Repeal*

15A NCAC 18A .0303

Depuration Harvesting Permits
Readopt/Repeal*

15A NCAC 18A .0304

Dealer Tags
Readopt with Changes*

15A NCAC 18A .0425

Shellfish Management Areas
Readopt/Repeal*

15A NCAC 18A .0912

MEDICAL BOARD

The rules in Chapter 32 are from the Medical Board. The rules in Subchapter 32B concern license to practice medicine including prescribing (.1000); general (.1300); resident's training license (.1400); faculty limited license (.1500); purpose license (.1600); other business (.1700); and expedited license for physician license (.2000).

<u>Application for Physician License</u>	21	NCAC 32B .1303
Amend*		
<u>Reinstatement of Physician License</u>	21	NCAC 32B .1350
Amend*		
<u>Application for Resident's Training License</u>	21	NCAC 32B .1402
Amend*		

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

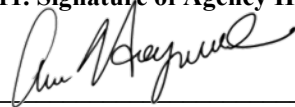
<u>Physician Supervision of Physician Assistants</u>	21	NCAC 32S .0213
Amend*		

PHARMACY, BOARD OF

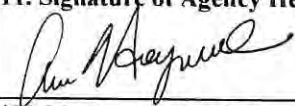
The rules in Chapter 46 cover organization of the board (.1200); general definitions (.1300); hospitals and other health facilities (.1400); admission requirements and examinations (.1500); licenses and permits (.1600); drugs dispensed by nurse and physician assistants (.1700); prescriptions (.1800); forms (.1900); administrative provisions (.2000); elections (.2100); continuing education (.2200); prescription information and records (.2300); dispensing in health departments (.2400); miscellaneous provisions (.2500); devices (.2600); nuclear pharmacy (.2700); compounding (.2800); product selection (.2900); disposal of unwanted drugs (.3000); clinical pharmacist practitioner (.3100); impaired pharmacist peer review program (.3200); and registry of pharmacist technicians (.3300).

<u>Experience in Pharmacy and Pharmacy Internship</u>	21	NCAC 46 .1503
Amend*		
<u>North Carolina-Specific Education for Permit Applicants</u>	21	NCAC 46 .1606
Amend*		
<u>Out-Of-State Pharmacies</u>	21	NCAC 46 .1607
Amend*		
<u>Reinstatement of Licenses and Permits</u>	21	NCAC 46 .1612
Amend*		
<u>Extension of Period for Certain Members of the Armed Forces</u>	21	NCAC 46 .1613
Amend*		
<u>E-Profile Number Required for License, Permit, or Registr...</u>	21	NCAC 46 .1615
Amend*		
<u>Remote Work by Pharmacy Personnel</u>	21	NCAC 46 .2515
Adopt*		

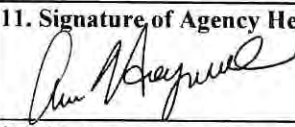
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency:	
2. Rule citation & name (name not required for repeal):	
3. Action: <div style="display: flex; justify-content: space-between; align-items: center;"> ADOPTION AMENDMENT <input type="checkbox"/> REPEAL READOPTION REPEAL THROUGH READOPTION </div>	
4. Rule exempt from RRC review? Yes. Cite authority: No	5. Rule automatically subject to legislative review? Yes. Cite authority: No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. This Rule was part of a combined analysis. State funds affected Local funds affected Substantial economic impact (≥\$1,000,000) Approved by OSBM No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> 9A. What prompted this action? Check all that apply: Agency Court order / cite: Federal statute / cite: Federal regulation / cite: </div> <div style="width: 45%;"> Legislation enacted by the General Assembly Cite Session Law: Petition for rule-making Other: </div> </div> 9B. Explain: 	
10. Rulemaking Coordinator: Phone: E-Mail: Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  <hr style="width: 80%; margin: 0 auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

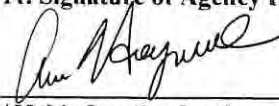
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0101 INCORPORATION BY REFERENCE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, updates only to a citation and web address.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

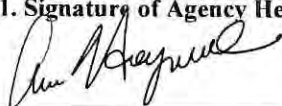
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0102 DEFINITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, updates include deleting references to "Monitored Herd" and defining "Susceptible species." Furthermore, clarifying at industry's request that farmed cervids are considered livestock by NCDA&CS.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

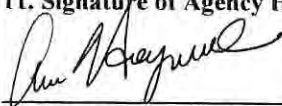
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0104 FARMED CERVID LICENSE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, making reference to cervid uniform and not as to deer. Updating by deleting references and requirements of monitored herds for none CWD susceptible species. Changing renewal period. Clarifying license and reporting requirements.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

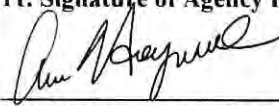
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, removing reference and requirements of the monitored herd program.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

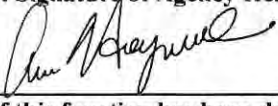
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, updating citation.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

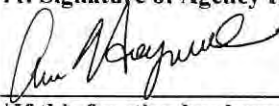
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0109 RECORDS AND INSPECTION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, clarifying inspection requirements. Also, updating to reflect inspection of CWD susceptible species.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

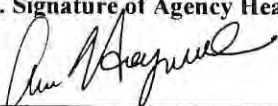
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0110 ESCAPE, DISAPPEARANCE, OR BREACH OF FACILITY	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, updating to reflect no animal ID, species, sex, and age for non susceptible species when reporting escape or disappearance. Also clarifying no charge for testing of a nonfarmed cervid that enters a facility.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0.5px solid black;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

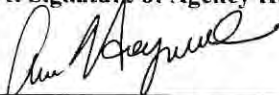
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0111 REPORTING CWD SYMPTOMS AND FARMED CERVID DEATH	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, updating organization for easier readability. Also updating citations.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

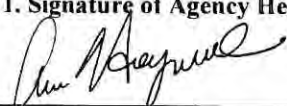
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0112 ANIMAL IDENTIFICATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, updating to reflect non-susceptible species need not be identified prior to move.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

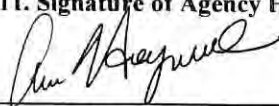
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0113 TRANSPORTATION PERMIT	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, removing reference to Monitored Herd Program.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

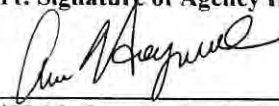
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, deleting pen density requirements and clarifying additions need to be first inspected.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

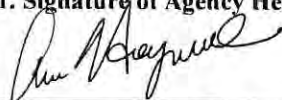
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0301 ENFORCEMENT	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, removing reference to Monitored Herd Program and updating citations.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

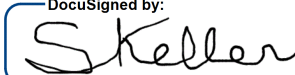
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, removing reference to Monitored Herd Program and penalties with commingling with non-susceptible species.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Board of Agriculture	
2. Rule citation & name (name not required for repeal): 02 NCAC 52L .0402	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: https://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm Hearing on: N/A Adoption by Agency on: February 21, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Updating Farmed Cervid Rules. For this section, repealing monitored herd program requirements for non-susceptible species.	
10. Rulemaking Coordinator: Anna Hayworth Anna Hayworth Phone: (919) 745-9356 E-Mail: anna.hayworth@ncagr.gov Additional agency contact, if any: Tien Cheng Phone: 919-707-3244 E-Mail: tcheng@ncdoj.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Anna Hayworth Title: Rule-Making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: DHHS/ Division of Health Benefits	
2. Rule citation & name (name not required for repeal): 10A NCAC 23A .0102 DEFINITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 11-15-2021 Link to Agency notice: https://medicaid.ncdhhs.gov/meetings-notices/rules-actions Hearing on: 12/01/2021 Adoption by Agency on: 03/03/2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: NCGS 108A-79(i) <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: Conflict with North Carolina Medicaid State Plan </div> </div> 9B. Explain: This rule is being revised to remove the definition of “caretaker relative” from rule 10A NCAC 23A .0102. The term is no longer used in any other rule and conflicts with the definition in the North Carolina Medicaid State Plan that has been in place since 2014.	
10. Rulemaking Coordinator: Shazia A. Keller Phone: 919-218-1372 E-Mail: Shazia.Keller@dhhs.nc.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> DocuSigned by:  <small>5B7A32EB4BD14E2</small> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Shazia A. Keller Title: DHB Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

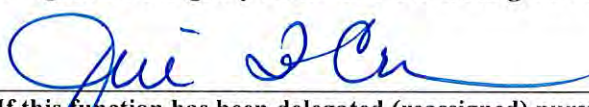
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Labor	
2. Rule citation & name (name not required for repeal): 13 NCAC 01B .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: https://www.labor.nc.gov/proposed-new-rules Hearing on: January 18, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> <p>9A. What prompted this action? Check all that apply:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain:</p> <p>The proposed revisions to the Departmental rules are to update Subchapter 01B – Rule-Making and Administrative Hearing Procedures: Section .0100 – Petitions for Rules. These rules are being amended to modernize the rules and make them consistent with the Administrative Procedures Act, NC General Statutes Chapter 150B.</p>	
10. Rulemaking Coordinator: Jill F. Cramer Phone: 919-707-7710 E-Mail: jill.cramer@labor.nc.gov Additional agency contact, if any: Carla Rose Phone: 919-707-7712 E-Mail: carla.rose@labor.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  <hr style="width: 80%; margin: 0 auto;"/> </div> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Jill F. Cramer Title: General Counsel & Rulemaking Coordinator</p>
RRC AND OAH USE ONLY	
<p>Action taken:</p> <div style="margin-top: 10px;"> <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other: </div>	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Labor	
2. Rule citation & name (name not required for repeal): 13 NCAC 01B .0102 MAILING LIST	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: https://www.labor.nc.gov/proposed-new-rules Hearing on: January 18, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> 9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <div style="margin-top: 10px;"> 9B. Explain: <p>The proposed revisions to the Departmental rules are to update Subchapter 01B – Rule-Making and Administrative Hearing Procedures: Section .0100 – Petitions for Rules. These rules are being amended to modernize the rules and make them consistent with the Administrative Procedures Act, NC General Statutes Chapter 150B.</p> </div>	
10. Rulemaking Coordinator: Jill F. Cramer Phone: 919-707-7710 E-Mail: jill.cramer@labor.nc.gov Additional agency contact, if any: Carla Rose Phone: 919-707-7712 E-Mail: carla.rose@labor.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  <hr style="width: 80%; margin: 0 auto;"/> </div> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> <p>Typed Name: Jill F. Cramer Title: General Counsel & Rulemaking Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

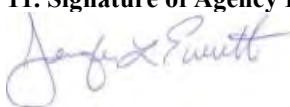
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Labor	
2. Rule citation & name (name not required for repeal): 13 NCAC 01B .0103 DISPOSITION OF PETITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: https://www.labor.nc.gov/proposed-new-rules Hearing on: January 18, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> 9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <div style="margin-top: 10px;"> 9B. Explain: <p>The proposed revisions to the Departmental rules are to update Subchapter 01B – Rule-Making and Administrative Hearing Procedures: Section .0100 – Petitions for Rules. These rules are being amended to modernize the rules and make them consistent with the Administrative Procedures Act, NC General Statutes Chapter 150B.</p> </div>	
10. Rulemaking Coordinator: Jill F. Cramer Phone: 919-707-7710 E-Mail: jill.cramer@labor.nc.gov Additional agency contact, if any: Carla Rose Phone: 919-707-7712 E-Mail: carla.rose@labor.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jill F. Cramer Title: General Counsel & Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

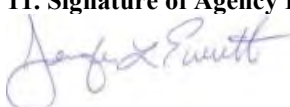
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Alcoholic Beverage Control Commission	
2. Rule citation & name (name not required for repeal): 14B NCAC 15C .0307 Growlers	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: https://abc.nc.gov/ Hearing on: February 9, 2022 Adoption by Agency on: March 16, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2021-150, Sec. 7 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: This rule is amended to expand the maximum allowable growler size for malt beverages and unfortified wine from 2 liters to 4 liters, as directed by the General Assembly in S.L. 2021-150, Sec. 7.	
10. Rulemaking Coordinator: Walker Reagan Phone: 919-948-7947 E-Mail: walker.reagan@abc.nc.gov Additional agency contact, if any: Renee Metz Phone: 919-948-7919 E-Mail: renee.metz@abc.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Walker Reagan Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

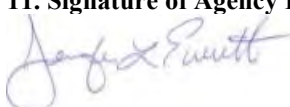
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0101 STATEMENT OF PURPOSE, POLICY, AND SCOPE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical changes. 	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

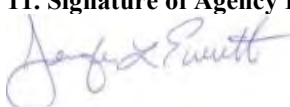
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0103 DEFINITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to update the definitions. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

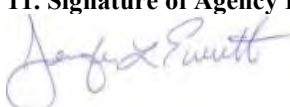
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0104 AGENCY COMPLIANCE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

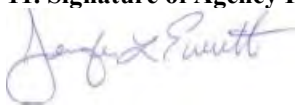
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0105 LEAD AND COOPERATING DIVISIONS RESPONSIBILITY	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0106 SCOPING AND HEARINGS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

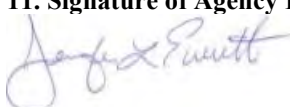
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0107 LIMITATION ON ACTIONS DURING NCEPA PROCESS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to streamline and reorganize for clarity. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

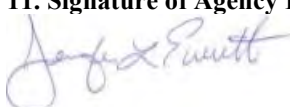
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0108 EMERGENCIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to update agency name, reworded for clarity, and removed paragraph (c) to eliminate a reference to a repealed provision in 01 NCAC 25.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

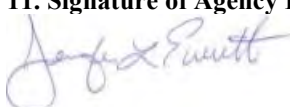
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0109 PREPARATION OF ENVIRONMENTAL DOCUMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to update agency name and relocates paragraphs (b) and (d) from 01C .0205.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

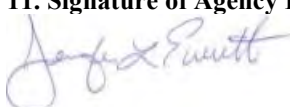
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0205	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this is repealed because the first sentence is relocated to 01C .0109(d), and the content of the second sentence is unnecessary as it is duplicative of 01C .0109(b).	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

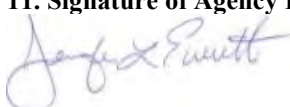
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0206 WHEN TO PREPARE ENVIRONMENTAL DOCUMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to reword for clarity.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

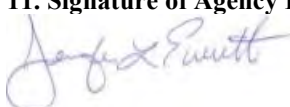
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0207 INCORPORATION BY REFERENCE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

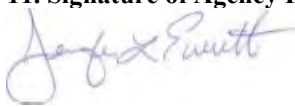
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0208 INCOMPLETE OR UNAVAILABLE INFORMATION	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

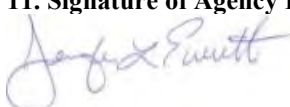
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0304	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this is repealed because it is no longer necessary.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

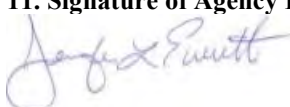
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0305 ACTIVITIES UNDERTAKEN BY DEQ	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

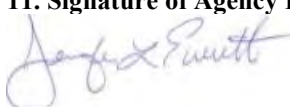
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0306 ACTIVITIES OF A SPECIAL NATURE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to re-word for clarity. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

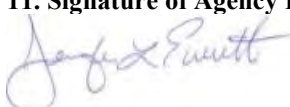
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0405 PURPOSE OF THE MINIMUM CRITERIA THRESHOLDS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to re-word for clarity. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

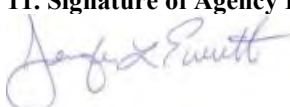
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0406 SAMPLING, SURVEY, MONITORING, AND RELATED RESEARCH ACTIVITIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to make technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

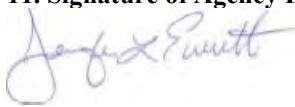
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0407 STANDARD MAINTENANCE OR REPAIR ACTIVITIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to make technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

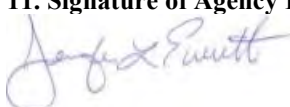
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0408 MINOR CONSTRUCTION ACTIVITIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to remove language exempting certain development activities under CAMA and State Dredge and Fill Law. These activities would be included under the statutory exemptions in G.S. 113A-12.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

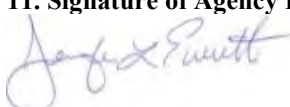
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0409 MANAGEMENT ACTIVITIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted. Changes made post-publication are included based on public comment.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0410 PRIVATE USE OF PUBLIC LANDS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted to remove language exempting certain development activities under CAMA and State Dredge and Fill Law. These activities would be included under the statutory exemptions in G.S. 113A-12. Also, removed language exempting construction of piers and boat docks on State Lakes since State Parks were transferred from DEQ to DNCR.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01C .0411 REMEDIATION ACTIVITIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: December 2, 2021 Adoption by Agency on: March 9, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted with minor technical corrections. .	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01D .0102 DEFINITIONS OF TERMS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Nov 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: n/a Adoption by Agency on: Feb. 22, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted. The rule updates DEQ agency name, adds a reference to certification requirements for hazardous waste facilities and other minor changes for clarity.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01D .0302 PROPOSED INDUSTRIAL PROJECT	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Nov 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: n/a Adoption by Agency on: Feb. 22, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted. The rule updates Commerce agency name, reworded language for clarity, and clarifies that when certifying a proposed industrial project, the DEQ Secretary will consider applicable State and federal environmental laws and rules.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01D .0303 PROPOSED POLLUTION CONTROL PROJECT	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Nov 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: n/a Adoption by Agency on: Feb. 22, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, this rule has been readopted. The rule updates Commerce agency name, reworded language for clarity, and clarifies that when certifying a proposed pollution control project, the DEQ Secretary will consider applicable State and federal emission control standards.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Environmental Quality	
2. RULE CITATION & NAME (NAME NOT REQUIRED FOR REPEAL): 15A NCAC 01D .0305 PROPOSED HAZARDOUS WASTE FACILITY	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Nov 15, 2021 Link to Agency notice: https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules Hearing on: n/a Adoption by Agency on: Feb. 22, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The rule is adopted to align with N.C. Gen. Stat. §159C-7(d) and clarifies when certifying a proposed hazardous waste facility, the DEQ Secretary will consider applicable State and federal laws and regulations.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0202 Definitions	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0202 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0208 Standards for Toxic Substances and Temperature	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0208 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0211 Fresh Surface Water Quality Standards for Class C Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0211 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0212 Fresh Surface Water Quality Standards for Class WS-I Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0212 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0214 Fresh Surface Water Quality Standards for Class WS-II Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0214 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0215 Fresh Surface Water Quality Standards for Class WS-III Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0215 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0216 Fresh Surface Water Quality Standards for Class WS-IV Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0216 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0218 Fresh Surface Water Quality Standards for Class WS-V Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0218 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0219 Fresh Surface Water Quality Standards for Class B Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0219 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0220 Tidal Salt Water Quality Standards for Class SC Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0220 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0301 Classifications: General	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0301 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02B .0311 Cape Fear River Basin	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 17, 2021 Link to Agency notice: https://deq.nc.gov/news/events/public-notice-hearings Hearing on: July 20, 2021 Adoption by Agency on: March 10, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The purpose of this rulemaking is to amend Rule 15A NCAC 02B .0311 as part of the state's 2020-2022 Triennial Review of Surface Water Quality Standards.	
10. Rulemaking Coordinator: Jennifer Everett 1601 Mail Service Center Raleigh, NC 27699-1601 Phone: 919-707-8614 E-Mail: jennifer.everett@ncdenr.gov Additional agency contact, if any: Christopher Ventaloro Phone: 919-707-9016 E-Mail: christopher.ventaloro@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02D .1401, Definitions	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/15/2021 Link to Agency notice: https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process Hearing on: 12/1/2021 Adoption by Agency on: 03/10/2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input checked="" type="checkbox"/> Federal regulation / cite: 84 FR 8422 </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The DAQ is incorporating the NOx SIP Call budget as outlined in 40 CFR Part 51.121 for electric generating units and non-electric generating units in 15A NCAC 02D .1400. The DAQ is also incorporating emission monitoring provisions for non-electric generating units as provided in 84 FR 8422.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov Additional agency contact, if any: Patrick Knowlson Phone: 919-707-8711 E-Mail: Patrick.Knowlson@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02D .1402, Applicability	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/15/2021 Link to Agency notice: https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process Hearing on: 12/1/2021 Adoption by Agency on: 03/10/2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input checked="" type="checkbox"/> Federal regulation / cite: 84 FR 8422 </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The DAQ is incorporating the NOx SIP Call budget as outlined in 40 CFR Part 51.121 for electric generating units and non-electric generating units in 15A NCAC 02D .1400. The DAQ is also incorporating emission monitoring provisions for non-electric generating units as provided in 84 FR 8422.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov Additional agency contact, if any: Patrick Knowlson Phone: 919-707-8711 E-Mail: Patrick.Knowlson@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02D .1424, Large Non-Electric Generating Units	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/15/2021 Link to Agency notice: https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process Hearing on: 12/1/2021 Adoption by Agency on: 03/10/2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input checked="" type="checkbox"/> Federal regulation / cite: 84 FR 8422 </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The DAQ is incorporating the NOx SIP Call budget as outlined in 40 CFR Part 51.121 for electric generating units and non-electric generating units in 15A NCAC 02D .1400. The DAQ is also incorporating emission monitoring provisions for non-electric generating units as provided in 84 FR 8422.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov Additional agency contact, if any: Patrick Knowlson Phone: 919-707-8711 E-Mail: Patrick.Knowlson@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Environmental Management Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 02D .1425, NOx SIP Call Budget	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 10/15/2021 Link to Agency notice: https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process Hearing on: 12/1/2021 Adoption by Agency on: 03/10/2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input checked="" type="checkbox"/> Federal regulation / cite: 84 FR 8422 </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The DAQ is incorporating the NOx SIP Call budget as outlined in 40 CFR Part 51.121 for electric generating units and non-electric generating units in 15A NCAC 02D .1400. The DAQ is also incorporating emission monitoring provisions for non-electric generating units as provided in 84 FR 8422.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov Additional agency contact, if any: Patrick Knowlson Phone: 919-707-8711 E-Mail: Patrick.Knowlson@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0101 DEFINITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature. Additionally, small benefits are expected from proposed changes to 15A NCAC 03I .0101 related to removing a time requirement for obtaining a tournament license.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0104 INTRODUCE, TRANSFER, OR HOLD IMPORTED MARINE AND ESTUARINE ORGANISMS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2017-190, S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0105 LEAVING DEVICES UNATTENDED	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0109 RESEARCH SANCTUARIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, this rule in 15A NCAC 03I is proposed for readoption and two rules in 15A NCAC 03J and 03R are proposed for adoption to restrict highly efficient fishing gears on artificial reefs in State ocean waters to protect all species of finfish, as a complement to the restrictions for artificial reefs in the Exclusive Economic Zone for snapper grouper species. The rules set requirements for research sanctuaries and artificial reefs in State waters, define highly efficient gears, and codify the geographic boundaries of the 13 existing artificial reef sites in State ocean waters. The purpose of the State artificial reef programs is to develop hard bottom habitat that aggregate fishery resources and improve user access to fisheries. By restricting the use of highly efficient fishing gears on artificial reefs, the likelihood of overexploitation is reduced. Gears with this characteristic may be considered all those other than hand line, hook and line, rod and reel, and spearfishing gear. All harvest by spearfishing gear would be restricted to recreational limits.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0113 BIOLOGICAL SAMPLING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature. Additionally, small benefits are expected from proposed changes to 15A NCAC 03I .0114 by broadening the types of recordkeeping permissible for inspection by Marine Fisheries Inspectors at fish dealer locations by including electronic trip tickets.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03I .0118 DISPOSAL OF EVIDENCE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0101 FIXED OR STATIONARY NETS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0105 PURSE SEINES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0109 LONG HAUL AND SWIPE NET REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0110 SEINES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0301 POTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and amendment that conform rule language with new blue crab and gear management measures approved through Amendment 3 to the N.C. Blue Crab Fishery Management Plan. All of these new measures are already in effect via proclamation following adoption of the plan by the Marine Fisheries Commission in February 2020. The proposed changes codify these existing requirements in permanent rule. A proposed change to marking requirements for pots would likely incur a small financial cost to select fishermen. The change is expected to make pots easier to identify and monitor, as well as result in consistent marking requirements across gear types. The Division of Marine Fisheries estimates at least half of commercial fishermen using this gear already meet the requirements.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0302 RECREATIONAL USE OF POTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0305 TROT LINES (MULTIPLE HOOK OR MULTIPLE BAIT)	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature. A proposed change in 15A NCAC 03J .0305 to marking requirements for commercial trotlines would likely incur a small financial cost to select fishermen. The change is expected to make trotlines easier to identify and monitor, as well as result in consistent marking requirements across gear types.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0404 OCEAN ARTIFICIAL REEF GEAR RESTRICTIONS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, one rule in 15A NCAC 03I is proposed for readoption and this rule in 15A NCAC 03J and one rule in 03R are proposed for adoption to restrict highly efficient fishing gears on artificial reefs in State ocean waters to protect all species of finfish, as a complement to the restrictions for artificial reefs in the Exclusive Economic Zone for snapper grouper species. The rules set requirements for research sanctuaries and artificial reefs in State waters, define highly efficient gears, and codify the geographic boundaries of the 13 existing artificial reef sites in State ocean waters. The purpose of the State artificial reef programs is to develop hard bottom habitat that aggregate fishery resources and improve user access to fisheries. By restricting the use of highly efficient fishing gears on artificial reefs, the likelihood of overexploitation is reduced. Gears with this characteristic may be considered all those other than hand line, hook and line, rod and reel, and spearfishing gear. All harvest by spearfishing gear would be restricted to recreational limits.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0501 DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. Changes proposed to 15A NCAC 03J .0501 for Pound Net Set Permits would delegate narrow proclamation authority to the division director to waive the 30-day pound net set requirement for the southern flounder fishery that has seasons that are now less than 30 days in length, maintaining compliance with the requirements of Amendment 2 to the N.C. Southern Flounder Fishery Management Plan. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0502 POUND NET SET PERMIT APPLICATION AND PROCESSING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0503 POUND NET SET PERMIT RENEWAL	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0504 POUND NET SET PERMIT TRANSFER	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03J .0505 POUND NET SET PERMIT CONDITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

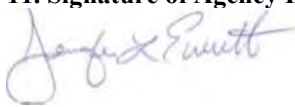
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0101 PROHIBITED ACTIVITIES IN POLLUTED SHELLFISH AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0102 RAKES PROHIBITED	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0103 SHELLFISH MANAGEMENT AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules. Additional proposed amendments to shellfish management areas would broaden the Division of Marine Fisheries director's proclamation authority to address variable conditions.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0104 PERMITS FOR RELAYING SHELLFISH FROM POLLUTED AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules. Additional proposed amendments to shellfish management areas would broaden the Division of Marine Fisheries director's proclamation authority to address variable conditions. Changes to crustacea and shellfish permits and dealer tags would clearly make it unlawful to engage in the listed activities without first obtaining the required permit and certificate of compliance, or if dealer tags are not being included on shellstock. The amendments would enhance the protection of public health by strengthening the ability of Marine Fisheries Inspectors to enforce crustacea and shellfish permit, and harvest and dealer requirements in case it is needed if someone was out of compliance, although typically voluntary compliance is achieved.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0105 RECREATIONAL HARVEST OF SHELLFISH	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0106 TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0107 DEPURATION OF CLAMS AND OYSTERS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0108 DREDGES AND MECHANICAL METHODS PROHIBITED	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0109 SHELLFISH HARVEST TAGS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0111 PERMITS TO USE MECHANICAL METHODS FOR SHELLFISH ON SHELLFISH LEASES OR FRANCHISES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0201 OYSTER HARVEST MANAGEMENT	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0202 CULLING REQUIREMENTS FOR OYSTERS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0204 MECHANICAL METHODS FOR OYSTERING PROHIBITED	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

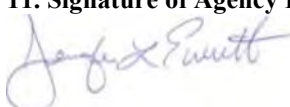
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0205 MARKETING OYSTERS TAKEN FROM A SHELLFISH LEASE OR FRANCHISE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature. A proposed change in 15A NCAC 03K .0205 is expected to create a small opportunity cost for a portion of shellfish lease holders to obtain and comply with the reporting requirements of an aquaculture operation permit. The permit consolidates all existing shellfish lease requirements into a single management tool and over half of lease holders already hold the permit. Having all shellfish lease holders subject to the same permit requirement facilitates the tracking and monitoring of shellfish leases overall and the timely handling of potential public health issues, ultimately enhancing the resource.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0207 OYSTER SIZE AND HARVEST LIMIT EXEMPTIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0208 SEED OYSTER MANAGEMENT AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules. Additional proposed amendments to shellfish management areas would broaden the Division of Marine Fisheries director's proclamation authority to address variable conditions.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0209 OYSTER SANCTUARIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules. Additional proposed amendments to shellfish management areas would broaden the Division of Marine Fisheries director's proclamation authority to address variable conditions.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0301 SIZE AND HARVEST LIMITS OF CLAMS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0302 MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0304 PROHIBITED TAKING OF CLAMS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0305 CLAM SIZE AND HARVEST LIMIT EXEMPTIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

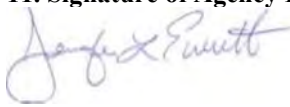
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0401 POLLUTED AREA PERMIT REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0505 SEA SCALLOPS SIZE LIMIT AND TOLERANCE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03K .0507 MARKETING SCALLOPS TAKEN FROM A SHELLFISH LEASE OR FRANCHISE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature. A proposed change in 15A NCAC 03K .0507 is expected to create a small opportunity cost for a portion of shellfish lease holders to obtain and comply with the reporting requirements of an aquaculture operation permit. The permit consolidates all existing shellfish lease requirements into a single management tool and over half of lease holders already hold the permit. Having all shellfish lease holders subject to the same permit requirement facilitates the tracking and monitoring of shellfish leases overall and the timely handling of potential public health issues, ultimately enhancing the resource.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0101 SHRIMP HARVEST RESTRICTIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0102 WEEKEND SHRIMPING PROHIBITED	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0103 PROHIBITED NETS, MESH LENGTHS, AND AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0201 CRAB HARVEST RESTRICTIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0202 CRAB TRAWLING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0203 CRAB DREDGING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0204 CRAB POTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and amendment that conform rule language with new blue crab and gear management measures approved through Amendment 3 to the N.C. Blue Crab Fishery Management Plan. All of these new measures are already in effect via proclamation following adoption of the plan by the Marine Fisheries Commission in February 2020. The proposed changes codify these existing requirements in permanent rule.	
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03M .0201 STRIPED BASS REQUIREMENTS; GENERAL	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03M .0202 STRIPED BASS SEASON, SIZE, AND HARVEST LIMIT: INTERNAL WATERS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03M .0204 STRIPED BASS SEASON, SIZE, AND HARVEST LIMIT: ATLANTIC OCEAN	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03M .0205 STRIPED BASS; PROHIBITED TRAWLING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03M .0503 FLOUNDER	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03N .0104 PROHIBITED GEAR, PRIMARY NURSERY AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03N .0105 PROHIBITED GEAR, SECONDARY NURSERY AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0102 PROCEDURES AND REQUIREMENTS TO RENEW LICENSES, ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0103 AUXILIARY VESSELS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0104 COMMERCIAL UNLOADING OF FISH	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0105 REQUIREMENTS FOR BAIT AND MUSSEL DEALERS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0107 LICENSE REPLACEMENT AND FEES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0109 ASSIGNMENT OF STANDARD COMMERCIAL FISHING LICENSE	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0110 LICENSE REFUNDS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0111 SURRENDER OF LICENSES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0113 OCEAN FISHING PIER REPORTING REQUIREMENTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0114 SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0203 SHELLFISH LEASE APPLICATION PROCESSING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0205 SHELLFISH LEASE RENEWAL	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0206 SHELLFISH LEASE APPLICATION: REQUEST FOR REVIEW	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0207 SHELLFISH LEASE AND FRANCHISE PRODUCTION REPORTS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0208 TERMINATION PROCEDURES FOR SHELLFISH LEASES AND FRANCHISES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0209 ASSIGNMENT OF SHELLFISH LEASES AND FRANCHISES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0210 STANDARDS AND REQUIREMENTS FOR FRANCHISES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 10px auto;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0211 FISHING GEAR REQUIREMENTS FOR SHELLFISH LEASES AND FRANCHISES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, nine rules 15A NCAC 03 are proposed for readoption and repeal through readoption to further address recommendations laid out in Session Law 2019-37 and the subsequent Shellfish Aquaculture User Conflict Study completed by the Department of Environmental Quality, Division of Marine Fisheries, and Marine Fisheries Commission. Most rule changes conform to three other recently approved shellfish lease rules. Additional changes are proposed to continue supporting the efficiency of the State's shellfish lease program and production. Specifically, changes seek to streamline and shorten processes for shellfish lease applications, shellfish lease application grievances by the public, production reporting requirements, and shellfish lease transfers and subleases.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0302 AUTHORIZED GEAR FOR RECREATIONAL COMMERCIAL GEAR LICENSES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0303 POSSESSION LIMITS FOR RECREATIONAL COMMERCIAL GEAR LICENSES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0401 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0402 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY APPLICATION PROCESS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0403 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD REVIEW	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0404 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY CRITERIA	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0405 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL APPLICATION DOCUMENTATION	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL CERTIFICATION	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 40 rules in 15A NCAC 03 are proposed for readoption that relate to general rules, gear, shellfish, crustacea, finfish, nursery areas, and licenses. The rules have been reviewed to conform to rulemaking requirements and contain clarifying and technical changes.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0502 GENERAL PERMIT CONDITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03O .0504 SUSPENSION AND REVOCATION OF PERMITS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0101 LICENSE, PERMIT, OR CERTIFICATE DENIAL: REQUEST FOR REVIEW	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 11 rules in 15A NCAC 03 are proposed for readoption that conform rules related to permit and license suspensions and revocations to standards of the Administrative Procedure Act (G.S. 150B) and increase clarity of the rules. The majority of changes are conforming and clarifying amendments that incur no impacts. Proposed changes with anticipated impacts provide authority to deal with rare events related to permits and licenses; provide significant context to the differences in license and permit suspensions, revocations, and requirements; and provide administrative alternatives to increase overall Division of Marine Fisheries efficiency. In all, these proposed changes provide benefits in terms of increased division efficiency and increased protection of marine and estuarine resources.	
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0102 CONTESTED CASE HEARING PROCEDURES	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and repeal through readoption that conform administrative procedures rules to the requirements of the Administrative Procedure Act, namely G.S. 150B-4, Declaratory rulings, G.S. 150B-20, Petitioning an agency to adopt a rule, and several articles of 150B that address administrative hearings and their judicial review. Throughout the rules, elements that merely repeat the content of law are proposed to be struck, per G.S. 150B-19. Additional proposed changes make minor technical and clarifying amendments. Overall, the proposed changes would increase efficiency in contested case hearings, declaratory rulings, and petitions for rulemaking.</p>	
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0201 DECLARATORY RULINGS: GENERALLY	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0202 PROCEDURE FOR REQUESTING DECLARATORY RULINGS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0203 DISPOSITION OF REQUESTS FOR DECLARATORY RULING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and repeal through readoption that conform administrative procedures rules to the requirements of the Administrative Procedure Act, namely G.S. 150B-4, Declaratory rulings, G.S. 150B-20, Petitioning an agency to adopt a rule, and several articles of 150B that address administrative hearings and their judicial review. Throughout the rules, elements that merely repeat the content of law are proposed to be struck, per G.S. 150B-19. Additional proposed changes make minor technical and clarifying amendments. Overall, the proposed changes would increase efficiency in contested case hearings, declaratory rulings, and petitions for rulemaking.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0301 FORM AND CONTENTS OF PETITIONS FOR RULEMAKING	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and repeal through readoption that conform administrative procedures rules to the requirements of the Administrative Procedure Act, namely G.S. 150B-4, Declaratory rulings, G.S. 150B-20, Petitioning an agency to adopt a rule, and several articles of 150B that address administrative hearings and their judicial review. Throughout the rules, elements that merely repeat the content of law are proposed to be struck, per G.S. 150B-19. Additional proposed changes make minor technical and clarifying amendments. Overall, the proposed changes would increase efficiency in contested case hearings, declaratory rulings, and petitions for rulemaking. One proposed change in 15A NCAC 03P .0301 removes the burden for petitioners to submit 15 hard copies of a petition since the majority of petitions are submitted electronically.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 100%;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0302 REVIEW OF RULEMAKING PETITIONS BY A COMMITTEE OF THE COMMISSION	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and repeal through readoption that conform administrative procedures rules to the requirements of the Administrative Procedure Act, namely G.S. 150B-4, Declaratory rulings, G.S. 150B-20, Petitioning an agency to adopt a rule, and several articles of 150B that address administrative hearings and their judicial review. Throughout the rules, elements that merely repeat the content of law are proposed to be struck, per G.S. 150B-19. Additional proposed changes make minor technical and clarifying amendments. Overall, the proposed changes would increase efficiency in contested case hearings, declaratory rulings, and petitions for rulemaking.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0303 PRESENTATION OF RULEMAKING PETITIONS TO THE COMMISSION	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and repeal through readoption that conform administrative procedures rules to the requirements of the Administrative Procedure Act, namely G.S. 150B-4, Declaratory rulings, G.S. 150B-20, Petitioning an agency to adopt a rule, and several articles of 150B that address administrative hearings and their judicial review. Throughout the rules, elements that merely repeat the content of law are proposed to be struck, per G.S. 150B-19. Additional proposed changes make minor technical and clarifying amendments. Overall, the proposed changes would increase efficiency in contested case hearings, declaratory rulings, and petitions for rulemaking.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03P .0304 RECOURSE TO DENIAL OF THE PETITION	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and repeal through readoption that conform administrative procedures rules to the requirements of the Administrative Procedure Act, namely G.S. 150B-4, Declaratory rulings, G.S. 150B-20, Petitioning an agency to adopt a rule, and several articles of 150B that address administrative hearings and their judicial review. Throughout the rules, elements that merely repeat the content of law are proposed to be struck, per G.S. 150B-19. Additional proposed changes make minor technical and clarifying amendments. Overall, the proposed changes would increase efficiency in contested case hearings, declaratory rulings, and petitions for rulemaking.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03R .0110 CRAB SPAWNING SANCTUARIES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and amendment that conform rule language with new blue crab and gear management measures approved through Amendment 3 to the N.C. Blue Crab Fishery Management Plan. All of these new measures are already in effect via proclamation following adoption of the plan by the Marine Fisheries Commission in February 2020. The proposed changes codify these existing requirements in permanent rule.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03R .0111 PURSE SEINES PROHIBITED	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, 18 rules in 15A NCAC 03 are proposed for readoption that relate to definitions, imported species, recordkeeping, gear, marketing shellfish, and licenses. Overall, most changes are conforming and technical in nature.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

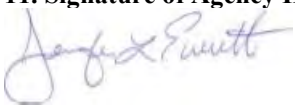
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03R .0118 CRAB HARVEST MANAGEMENT AREAS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: In accordance with G.S. 150B-21.3A, eight rules in 15A NCAC 03 are proposed for readoption and amendment that conform rule language with new blue crab and gear management measures approved through Amendment 3 to the N.C. Blue Crab Fishery Management Plan. All of these new measures are already in effect via proclamation following adoption of the plan by the Marine Fisheries Commission in February 2020. The proposed changes codify these existing requirements in permanent rule.	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

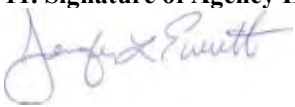
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 03R .0119 OCEAN ARTIFICIAL REEFS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, one rule in 15A NCAC 03I is proposed for readoption and one rule in 15A NCAC 03J and this rule in 03R are proposed for adoption to restrict highly efficient fishing gears on artificial reefs in State ocean waters to protect all species of finfish, as a complement to the restrictions for artificial reefs in the Exclusive Economic Zone for snapper grouper species. The rules set requirements for research sanctuaries and artificial reefs in State waters, define highly efficient gears, and codify the geographic boundaries of the 13 existing artificial reef sites in State ocean waters. The purpose of the State artificial reef programs is to develop hard bottom habitat that aggregate fishery resources and improve user access to fisheries. By restricting the use of highly efficient fishing gears on artificial reefs, the likelihood of overexploitation is reduced. Gears with this characteristic may be considered all those other than hand line, hook and line, rod and reel, and spearfishing gear. All harvest by spearfishing gear would be restricted to recreational limits.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

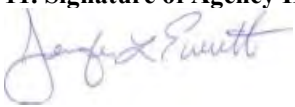
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1701 Purpose	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: November 1, 2019 Link to Agency notice: https://deq.nc.gov/permits-rules/rules-regulations Hearing on: November 20, 2019 Adoption by Agency on: February 12, 2020 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8614 E-Mail: Jennifer.Everett@ncdenr.gov Additional agency contact, if any: Mike Lopazanski Phone: 252-808-2808 E-Mail: Mike.Lopazanski@ncdenr.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

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2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1702 Approval Procedures	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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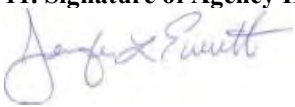
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1703 Permit Fee	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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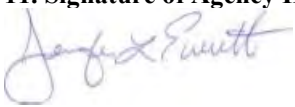
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1704 General Conditions	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: November 1, 2019 Link to Agency notice: https://deq.nc.gov/permits-rules/rules-regulations Hearing on: November 20, 2019 Adoption by Agency on: February 12, 2020 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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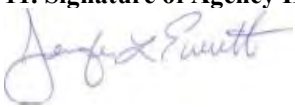
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1705 Specific Conditions	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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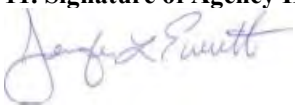
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1901 Purpose	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

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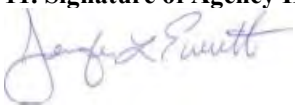
SUBMISSION FOR PERMANENT RULE

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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

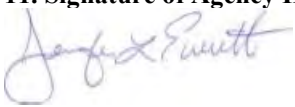
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1904 General Conditions	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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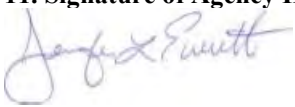
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1905 Specific Conditions	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

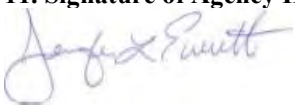
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .2501 Purpose	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

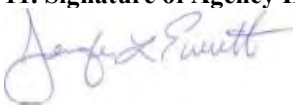
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .2502 Approval Procedures	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: November 1, 2019 Link to Agency notice: https://deq.nc.gov/permits-rules/rules-regulations Hearing on: November 20, 2019 Adoption by Agency on: February 12, 2020 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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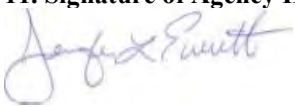
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .2503 Permit Fee	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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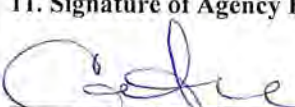
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .2504 General Conditions	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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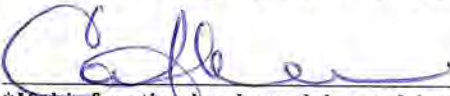
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
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3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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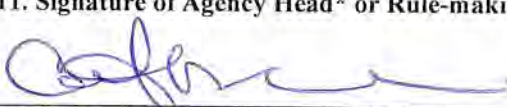
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10A .1601 – License Fees	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2021-160 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: License and permits fees may be set at the discretion of the Commission. Legislation was passed at the General Assembly in September of 2021 adding the Controlled Hunting Preserve Operator License for rabbits.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <p style="font-size: small;">*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Carrie Ruhlman Title: Rule-making Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

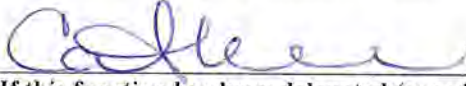
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0101 – Importation of Wild Animals and Birds	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Carrie Ruhlman Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

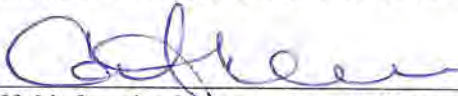
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0105 – Migratory Game Birds	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

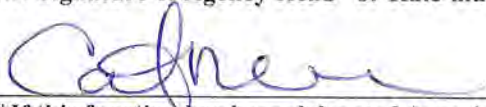
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0111 – Restrictions on Raccoon and Opossum Hunting	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input checked="" type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small> Typed Name: Carrie Ruhlman Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

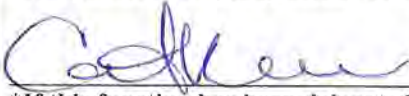
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0119 – Wildlife Collectors	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0123 – Limitations on Certain Exotic Species	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
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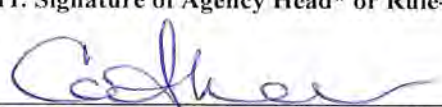
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0203 – Deer (White-Tailed)	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0205 –Raccoon and Opossum	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

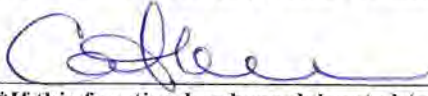
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0206 –Squirrels	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> <p>Typed Name: Carrie Ruhlman Title: Rule-making Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0402 –Tagging Furs	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <p style="font-size: small;">*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Carrie Ruhlman Title: Rule-making Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

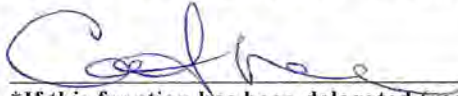
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10B .0403 – Application for Tags	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: 150B-21.3A </div> </div>	
9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests. Pursuant to 150B-21.3A, the agency is required to readopt 10B rules as part of the periodic review process.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <p style="font-size: small;">*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Carrie Ruhlman Title: Rule-making Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

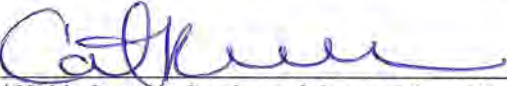
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10C .0205 – Public Mountain Trout Waters	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

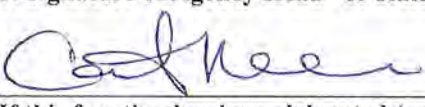
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10C .0314 – Striped Bass	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

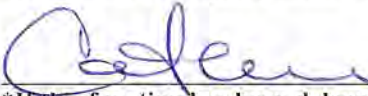
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10D .0102 – General Regulations Regarding Use	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input checked="" type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10D .0106 – Bear Sanctuaries	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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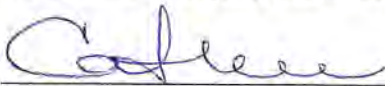
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10E .0104 – Use of Areas Regulated	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10H .1301 – Commercial Take of Certain Turtles Prohibited	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

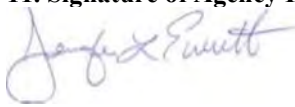
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10H .1302 – Possession of Reptiles and Amphibians	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Each year, the N.C. Wildlife Resources Commission reviews and adjusts as needed, seasons, bag limits, and the management of land, in order to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> <p>Typed Name: Carrie Ruhlman Title: Rule-making Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10H .1402 – Captivity License for Rehabilitation	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 12/1/21 Link to Agency notice: https://www.ncwildlife.org/proposed-regulations Hearing on: 01/20/22 Adoption by Agency on: 2/24/22 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: Nine-banded armadillos are a non-native species to North Carolina and prohibiting their rehabilitation puts them in line with other non-native species that are prohibited to be rehabilitated. Rehabilitation of eggs is not considered appropriate as chicks hatched in captivity will likely become imprinted to humans making them challenging to release back into the wild.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Ashley Pekrul Phone: 919-707-0014 E-Mail: ashley.pekrul@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> <p>Typed Name: Carrie Ruhlman Title: Rule-making Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

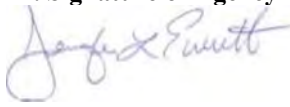
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0135 PERMITS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules. Additional proposed amendments to shellfish management areas would broaden the Division of Marine Fisheries director's proclamation authority to address variable conditions. Changes to crustacea and shellfish permits and dealer tags would clearly make it unlawful to engage in the listed activities without first obtaining the required permit and certificate of compliance, or if dealer tags are not being included on shellstock. The amendments would enhance the protection of public health by strengthening the ability of Marine Fisheries Inspectors to enforce crustacea and shellfish permit, and harvest and dealer requirements in case it is needed if someone was out of compliance, although typically voluntary compliance is achieved.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

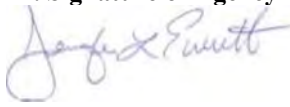
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0302 PERMITS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

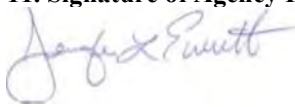
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0303	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0304	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules.</p>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

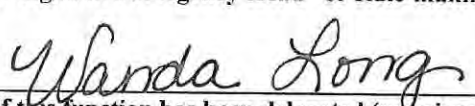
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0425 DEALER TAGS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input checked="" type="checkbox"/> Yes. Cite authority: S.L. 2019-198 <input type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

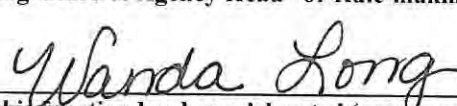
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. MARINE FISHERIES COMMISSION	
2. Rule citation & name (name not required for repeal): 15A NCAC 18A .0912	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input checked="" type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: Oct. 1, 2021 Link to Agency notice: https://deq.nc.gov/mfc-proposed-rules Hearing on: Oct. 27, 2021 Adoption by Agency on: Feb. 25, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> <p>9B. Explain: In accordance with G.S. 150B-21.3A, 12 rules in 15A NCAC 03 and 18A are proposed for adoption and repeal through readoption that relate to crustacea and shellfish and set specific requirements for shellfish management areas, depuration of shellfish, crustacea and shellfish permits, and shellfish tagging. Session Law 2011-145 abolished the Division of Environmental Health and transferred the Shellfish Sanitation and Recreational Water Quality Section to the Division of Marine Fisheries under a Type I transfer. Prior to this change, the Division of Environmental Health advised the Division of Marine Fisheries on certain matters relating to public health of crustacea and shellfish and the Division of Environmental Health rules bore this out by one division advising the other. Now that the authority for these rules all fall under the Marine Fisheries Commission, amendments are proposed to rules that have overlapping content, including the repeal through readoption of three rules in 18A. In addition, amendments are proposed to increase efficiency for the Division of Marine Fisheries by making rule requirements more clear and consistent and by moving established requirements from proclamations and permit conditions into rules.</p>	
10. Rulemaking Coordinator: JENNIFER EVERETT Phone: 919-707-8614 E-Mail: JENNIFER.EVERETT@NCDENR.GOV Additional agency contact, if any: CATHERINE BLUM Phone: 252-726-7021 E-Mail: CATHERINE.BLUM@NCDENR.GOV	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: JENNIFER EVERETT Title: RULEMAKING COORDINATOR</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

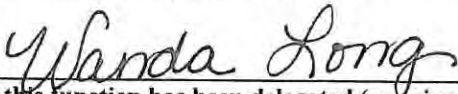
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board	
2. Rule citation & name (name not required for repeal): 21 NCAC 32B .1303 APPLICATION FOR PHYSICIAN LICENSE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: www.ncmedboard.org/about_the_board/rule_changes Hearing on: March 3, 2022 Adoption by Agency on: March 18, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: To eliminate all USMLE Step 2 and COMLEX Level 2 PE licensure requirements to all license applications.	
10. Rulemaking Coordinator: Wanda Long Wanda Long Phone: 919.326.1109 ext 212 E-Mail: wanda.long@ncmedboard.org Additional agency contact, if any: Marcus Jimison Phone: 919.326.1109 ext 226 E-Mail: marcus.jimison@ncmedboard.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Wanda Long Title: Rulemaking Coordinator
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

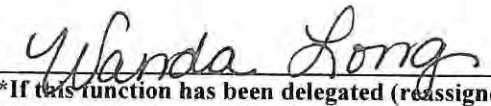
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board	
2. Rule citation & name (name not required for repeal): 21 NCAC 32B .1350 REINSTATEMENT OF PHYSICIAN LICENSE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: www.ncmedboard.org/about_the_board/rule_changes Hearing on: March 3, 2022 Adoption by Agency on: March 18, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: To eliminate all USMLE Step 2 and COMLEX Level 2 licensure requirements to all license applications.	
10. Rulemaking Coordinator: Wanda Long Wanda Long Phone: 919.326.1109 ext 212 E-Mail: wanda.long@ncmedboard.org Additional agency contact, if any: Marcus Jimison Phone: 919.326.1109 ext 226 E-Mail: marcus.jimison@ncmedboard.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Wanda Long Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board	
2. Rule citation & name (name not required for repeal): 21 NCAC 32B .1402 APPLICATION FOR RESIDENT'S TRAINING LICENSE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: www.ncmedboard.org/about_the_board/rule_changes Hearing on: March 3, 2022 Adoption by Agency on: March 18, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: To eliminate all USMLE Step 2 and COMLEX Level 2 licensure requirements to all license applications.	
10. Rulemaking Coordinator: Wanda Long Wanda Long Phone: 919.326.1109 ext 212 E-Mail: wanda.long@ncmedboard.org Additional agency contact, if any: Marcus Jimison Phone: 919.326.1109 ext 226 E-Mail: marcus.jimison@ncmedboard.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Wanda Long Title: Rulemaking Coordinator
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Medical Board	
2. Rule citation & name (name not required for repeal): 21 NCAC 32S .0213 PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 3, 2022 Link to Agency notice: www.ncmedboard.org/about_the_board/rule_changes Hearing on: March 3, 2022 Adoption by Agency on: March 18, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Wanda Long Wanda Long Phone: 919.326.1109 ext 212 E-Mail: wanda.long@ncmedboard.org Additional agency contact, if any: March Jimison Phone: 919.326.1109 ext 226 E-Mail: marcus.jimison@ncmedboard.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> <p><small>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</small></p> Typed Name: Wanda Long Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .1503 EXPERIENCE IN PHARMACY AND PHARMACY INTERNSHIP	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: http://www.ncbop.org/rulemakings.htm Hearing on: February 8, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: See attached.	
10. Rulemaking Coordinator: Clinton R. Pinyan Phone: (336) 373-8850 E-Mail: cpinyan@brookspierce.com Additional agency contact, if any: Jay Campbell Phone: (919) 246-1050 E-Mail: jcampbell@ncbop.org	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Clinton R. Pinyan Title: General Counsel and Rulemaking Coordinator</p>
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

The Pharmacy Practice Act requires all applicants for initial licensure and certain reinstatement and reciprocity candidates to complete practical experience in order to be licensed, and further requires the Board of Pharmacy to adopt regulations to "assure that the person successfully completing the program will have gained practical experience that will enable him to safely and properly practice pharmacy." NCGS 90-85.14. Those gaining practical experience are regularly and collectively referred to as "pharmacy interns." The Board has amended Rule .1503 to provide for a uniform system by which those gaining practical experience can sign up with the Board and can easily document and verify their practical experience hours through an on-line system. Moreover, in recent years, a handful of individuals have falsely claimed to be pharmacy students or recent graduates who were entitled to work as pharmacy interns, who are allowed to engage in all acts constituting the practice of pharmacy under the supervision of pharmacists. These individuals who lacked pharmacy educational training thereby created a risk of harm to the public safety, health, and welfare in order to defraud their employers. This was made easier because, previously, in order to verify whether an individual was entitled to work as a pharmacy intern, that individual's prospective employer would have to contact pharmacy schools directly. The new uniform system will make it easier to ensure that only those who are entitled to work as pharmacy interns are able to do so. In addition to amending Rule .1503, the Board adopted conforming amendments to other rules to appropriately reference and account for the changes to Rule .1503.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .1606 NORTH CAROLINA-SPECIFIC EDUCATION FOR PERMIT APPLICANTS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: http://www.ncbop.org/rulemakings.htm Hearing on: February 8, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: See attached.	
10. Rulemaking Coordinator: Clinton R. Pinyan Phone: (336) 373-8850 E-Mail: cpinyan@brookspierce.com Additional agency contact, if any: Jay Campbell Phone: (919) 246-1050 E-Mail: jcampbell@ncbop.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  </div> <hr/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Clinton R. Pinyan Title: General Counsel and Rulemaking Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

The current rules require the pharmacist-manager for each permit applicant to meet personally with Board staff before the Board will grant a permit. These meetings have traditionally been a means of imparting knowledge about North Carolina pharmacy law and Board procedures. These meetings are an inefficient way to provide that information, and the result of that burden has been that out-of-state permit applicants often have not named their actual pharmacist-manager as the pharmacist-manager on their North Carolina applications, thereby creating a disconnect between the person who is legally responsible for their compliance with North Carolina law and the person who actually supervises the pharmacy. The principal purposes of the amendments are to substitute an on-line educational module in place of the in-person meeting, and to require that the pharmacist-manager on the North Carolina permit match the pharmacist-manager in the pharmacy's home state. In addition, Rule .1607 concerning out-of-state pharmacy permits has not been revised in 15 years. The Board has adopted general updates to that Rule largely in order to (a) clarify and emphasize certain matters that have been subject to periodic questions from the regulated entities, (b) more accurately reflect modern Board procedures and practices, (c) remove repetitive requirements contained elsewhere, and (d) refer to other laws and rules covering certain matters, rather than attempting to restate them, which has resulted in incomplete, inconsistent and confusing descriptions of those laws.

Following notice and comment on the proposed rules, the Board made changes to Rule .1607 in response to those comments. The Board removed a requirement that out-of-state pharmacies provide inspection reports by other states and organizations within five days of those inspections, both as a burdensome time frame and as unnecessary in light of other requirements that out-of-state provide inspections upon request. The Board made further technical changes to refer to statutory provisions, rather than unnecessarily restating them.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .1607 OUT-OF-STATE PHARMACIES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: See attached.	
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SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

The current rules require the pharmacist-manager for each permit applicant to meet personally with Board staff before the Board will grant a permit. These meetings have traditionally been a means of imparting knowledge about North Carolina pharmacy law and Board procedures. These meetings are an inefficient way to provide that information, and the result of that burden has been that out-of-state permit applicants often have not named their actual pharmacist-manager as the pharmacist-manager on their North Carolina applications, thereby creating a disconnect between the person who is legally responsible for their compliance with North Carolina law and the person who actually supervises the pharmacy. The principal purposes of the amendments are to substitute an on-line educational module in place of the in-person meeting, and to require that the pharmacist-manager on the North Carolina permit match the pharmacist-manager in the pharmacy's home state. In addition, Rule .1607 concerning out-of-state pharmacy permits has not been revised in 15 years. The Board has adopted general updates to that Rule largely in order to (a) clarify and emphasize certain matters that have been subject to periodic questions from the regulated entities, (b) more accurately reflect modern Board procedures and practices, (c) remove repetitive requirements contained elsewhere, and (d) refer to other laws and rules covering certain matters, rather than attempting to restate them, which has resulted in incomplete, inconsistent and confusing descriptions of those laws.

Following notice and comment on the proposed rules, the Board made changes to Rule .1607 in response to those comments. The Board removed a requirement that out-of-state pharmacies provide inspection reports by other states and organizations within five days of those inspections, both as a burdensome time frame and as unnecessary in light of other requirements that out-of-state provide inspections upon request. The Board made further technical changes to refer to statutory provisions, rather than unnecessarily restating them.

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .1612 REINSTATEMENT OF LICENSES AND PERMITS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: http://www.ncbop.org/rulemakings.htm Hearing on: February 8, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: See attached.	
10. Rulemaking Coordinator: Clinton R. Pinyan Phone: (336) 373-8850 E-Mail: cpinyan@brookspierce.com Additional agency contact, if any: Jay Campbell Phone: (919) 246-1050 E-Mail: jcampbell@ncbop.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Clinton R. Pinyan Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

The Pharmacy Practice Act requires all applicants for initial licensure and certain reinstatement and reciprocity candidates to complete practical experience in order to be licensed, and further requires the Board of Pharmacy to adopt regulations to "assure that the person successfully completing the program will have gained practical experience that will enable him to safely and properly practice pharmacy." NCGS 90-85.14. Those gaining practical experience are regularly and collectively referred to as "pharmacy interns." The Board has amended Rule .1503 to provide for a uniform system by which those gaining practical experience can sign up with the Board and can easily document and verify their practical experience hours through an on-line system. Moreover, in recent years, a handful of individuals have falsely claimed to be pharmacy students or recent graduates who were entitled to work as pharmacy interns, who are allowed to engage in all acts constituting the practice of pharmacy under the supervision of pharmacists. These individuals who lacked pharmacy educational training thereby created a risk of harm to the public safety, health, and welfare in order to defraud their employers. This was made easier because, previously, in order to verify whether an individual was entitled to work as a pharmacy intern, that individual's prospective employer would have to contact pharmacy schools directly. The new uniform system will make it easier to ensure that only those who are entitled to work as pharmacy interns are able to do so. In addition to amending Rule .1503, the Board adopted conforming amendments to other rules to appropriately reference and account for the changes to Rule .1503.

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .1613 EXTENSION PERIOD FOR CERTAIN MEMBERS OF THE ARMED FORCES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: http://www.ncbop.org/rulemakings.htm Hearing on: February 8, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<p style="text-align: center;">9. REASON FOR ACTION</p> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: See attached.	
10. Rulemaking Coordinator: Clinton R. Pinyan Phone: (336) 373-8850 E-Mail: cpinyan@brookspierce.com Additional agency contact, if any: Jay Campbell Phone: (919) 246-1050 E-Mail: jcampbell@ncbop.org	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Clinton R. Pinyan Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

The Pharmacy Practice Act requires all applicants for initial licensure and certain reinstatement and reciprocity candidates to complete practical experience in order to be licensed, and further requires the Board of Pharmacy to adopt regulations to "assure that the person successfully completing the program will have gained practical experience that will enable him to safely and properly practice pharmacy." NCGS 90-85.14. Those gaining practical experience are regularly and collectively referred to as "pharmacy interns." The Board has amended Rule .1503 to provide for a uniform system by which those gaining practical experience can sign up with the Board and can easily document and verify their practical experience hours through an on-line system. Moreover, in recent years, a handful of individuals have falsely claimed to be pharmacy students or recent graduates who were entitled to work as pharmacy interns, who are allowed to engage in all acts constituting the practice of pharmacy under the supervision of pharmacists. These individuals who lacked pharmacy educational training thereby created a risk of harm to the public safety, health, and welfare in order to defraud their employers. This was made easier because, previously, in order to verify whether an individual was entitled to work as a pharmacy intern, that individual's prospective employer would have to contact pharmacy schools directly. The new uniform system will make it easier to ensure that only those who are entitled to work as pharmacy interns are able to do so. In addition to amending Rule .1503, the Board adopted conforming amendments to other rules to appropriately reference and account for the changes to Rule .1503.

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .1615 E-PROFILE NUMBER REQUIRED FOR LICENSE, PERMIT, OR REGISTRATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: http://www.ncbop.org/rulemakings.htm Hearing on: February 8, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<div style="text-align: center;">9. REASON FOR ACTION</div> 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: See attached.	
10. Rulemaking Coordinator: Clinton R. Pinyan Phone: (336) 373-8850 E-Mail: cpinyan@brookspierce.com Additional agency contact, if any: Jay Campbell Phone: (919) 246-1050 E-Mail: jcampbell@ncbop.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  </div> <hr/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Clinton R. Pinyan Title: General Counsel and Rulemaking Coordinator</p>
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

The Pharmacy Practice Act requires all applicants for initial licensure and certain reinstatement and reciprocity candidates to complete practical experience in order to be licensed, and further requires the Board of Pharmacy to adopt regulations to "assure that the person successfully completing the program will have gained practical experience that will enable him to safely and properly practice pharmacy." NCGS 90-85.14. Those gaining practical experience are regularly and collectively referred to as "pharmacy interns." The Board has amended Rule .1503 to provide for a uniform system by which those gaining practical experience can sign up with the Board and can easily document and verify their practical experience hours through an on-line system. Moreover, in recent years, a handful of individuals have falsely claimed to be pharmacy students or recent graduates who were entitled to work as pharmacy interns, who are allowed to engage in all acts constituting the practice of pharmacy under the supervision of pharmacists. These individuals who lacked pharmacy educational training thereby created a risk of harm to the public safety, health, and welfare in order to defraud their employers. This was made easier because, previously, in order to verify whether an individual was entitled to work as a pharmacy intern, that individual's prospective employer would have to contact pharmacy schools directly. The new uniform system will make it easier to ensure that only those who are entitled to work as pharmacy interns are able to do so. In addition to amending Rule .1503, the Board adopted conforming amendments to other rules to appropriately reference and account for the changes to Rule .1503.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Board of Pharmacy	
2. Rule citation & name (name not required for repeal): 21 NCAC 46 .2515 REMOTE WORK BY PHARMACY PERSONNEL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: December 15, 2021 Link to Agency notice: http://www.ncbop.org/rulemakings.htm Hearing on: February 8, 2022 Adoption by Agency on: March 8, 2022 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached.	
10. Rulemaking Coordinator: Clinton R. Pinyan Phone: (336) 373-8850 E-Mail: cpinyan@brookspierce.com Additional agency contact, if any: Jay Campbell Phone: (919) 246-1050 E-Mail: jcampbell@ncbop.org	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Clinton R. Pinyan Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

9.B. Explanation:

During the COVID public health emergency, North Carolina pharmacy personnel have been able to perform certain work outside the pharmacy under a Board of Pharmacy Emergency Services Waiver. Further, some other states' laws permit pharmacy personnel to perform remote work. During a recent notice and comment period for other Board rules, many commenters requested that the Board adopt this rule, in order to provide for permitted pharmacy locations in North Carolina to allow remote work (other than physical acts in the dispensing process) on a permanent basis and to approve out-of-state permitted pharmacy locations to provide similar services for North Carolina patients to the extent permitted by their home states. The Board believes that the rule will permit alternative work environments while ensuring processes and systems for patient safety.

02 NCAC 38 .0705 is amended with changes as published in 36:12 NCR 1001 as follows:

02 NCAC 38 .0705 NOTIFICATION FOR DISCONNECTION OF SERVICE

(a) This Rule contains additional standards relating to the requirements for disconnection of service contained in G.S. 119-58(b).

(b) To "notify the former supplier before disconnecting the former service and connecting the new service," as required by G.S. 119-58(b), means that the new supplier shall provide the former supplier with written notice containing the new supplier's name, address and telephone number, the consumer's name and address, and stating the date and time after which service is to be disconnected. The notice may be sent by mail, overnight mail, facsimile, [e-mail]email, or by hand-delivery, so long as it is received prior to the disconnection of the former service.

History Note: Authority G.S. ~~119-55~~, 119-55, 119-58;
Temporary Adoption Eff. January 1, 2003;
Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22,
2015;
Amended Eff. May 1, 2022.

02 NCAC 52L .0101 is amended as published in 36:12 NCR 1019 as follows:

02 NCAC 52L .0101 INCORPORATION BY REFERENCE

(a) For the purpose of the rules in this Subchapter, the following regulations and standards are hereby incorporated by reference including any subsequent amendments and editions:

(1) 9 C.F.R. Part 55;

(2) 9 C.F.R. Part 81;

(3) 9 C.F.R. Part 86; and

(4) The United States Department of Agriculture's Chronic Wasting Disease Program Standards (May 2014), 2019.

(b) The regulations and standards incorporated by reference in Paragraph (a) of this Rule are available free of cost at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and

~~https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/sa_alternate_livestock/sa_cervid_health/sa_cwd/et_cervid_health_program.~~

<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/cervid/cervids-cwd/cervids-voluntary-hcp>.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0102 is amended with changes as published in 36:12 NCR 1019 as follows:

02 NCAC 52L .0102 DEFINITIONS

(a) The definitions in the regulations and standards set forth in 02 NCAC 52L .0101 shall apply to such terms when used in this Subchapter, to the extent that they do not conflict with G.S. 106-549.97(a)(1) or Paragraph (b) of this Rule.

(b) The following definitions apply to this Subchapter:

- (1) "APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.
- (2) "Carcass" means the head, the whole animal, or tissue sample extracted in accordance with the USDA Standards, 9 C.F.R. 55.8 and 9 C.F.R. 55.23(b).
- (3) "Certified Herd" means any herd that has reached Certified status under an Approved State Chronic Wasting Disease Herd Certification Program as determined by the USDA in accordance with 9 C.F.R. 55.23(a) and 9 C.F.R. 55.24(a).
- (4) "CWD Testing" means official Chronic Wasting Disease ("CWD") testing in accordance with the USDA Standards, (6.2) Official CWD Test, and 9 C.F.R. 55.8.
- (5) "Diagnostic Laboratory" means the North Carolina Department of Agriculture and Consumer Services Veterinary Diagnostic Laboratory System.
- (6) "Facility" means a facility for farmed cervids.
- (7) "Fawns" or "~~Calves~~" "calves" means cervids under one year of age.
- (8) "Herd Certification Program" means the North Carolina Farmed Cervid Herd Certification Program.
- (9) "ICVI" means interstate certificate of veterinary inspection.
- (10) "Licensed Facility" means any facility associated with a farmed cervid license.
- (11) "Licensee" means a person issued a farmed cervid license in accordance with the rules of this Subchapter and includes designees named by the licensee.
- (12) ~~"Monitored Herd" means any herd that has reached Certified status under the North Carolina Monitored Herd Certification Program for CWD non-susceptible species in accordance with 02 NCAC 52L .0402.~~ "Non-susceptible species" means Cervidae that are not known to be naturally susceptible to CWD.
- (13) "Officially Identified" means identification in accordance with 9 CFR 55.25. ~~the attachment of a tamper resistant ear tag approved for use by the Veterinary Division on a farmed cervid.~~
- (14) "~~State~~" means the State of North Carolina.
- ~~(15)~~ "Susceptible species" means Cervidae that are known to be naturally susceptible to CWD.
- ~~(16)~~ (15) "Temporary Exhibit" means a public display of farmed cervids including animal acts, educational displays, carnivals, circuses, parades, shopping center displays, and zoos, whether operated for profit or not.

1 (16) ~~(17)~~ "Veterinary Division" means the Veterinary Division of the North Carolina Department of
2 Agriculture and Consumer Services.

3 (c) Farmed cervids are livestock in accordance with 9 C.F.R. 86.1.
4

5 *History Note: Authority G.S. 106-549.97(a2);*

6 *Eff. June 1, 2018;*

7 *Amended Eff. May 1, 2022.*

02 NCAC 52L .0104 is amended with changes as published in 36:12 NCR 1020 as follows:

02 NCAC 52L .0104 FARMED CERVID LICENSE

(a) Farmed Cervid License.

(1) Persons interested in obtaining a farmed cervid license shall apply with the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:

- (A) ~~The~~ the applicant's name;
- (B) ~~The~~ the applicant's address;
- (C) ~~The~~ the applicant's contact information, including telephone numbers and email addresses;
- (D) ~~The~~ the farm's name;
- (E) ~~The~~ the farm's address;
- (F) ~~The~~ the farm's contact information, including telephone numbers and email addresses;
- (G) ~~A~~ a statement of whether the farm is commercial, defined as a farmed cervid facility that is or will be selling ~~deer cervid~~ or ~~deer cervid~~ products as a for-profit business, or private, defined as non-commercial;
- (H) a statement from the applicant verifying the information provided is accurate;
- (I) ~~The~~ the national premises identification number; and
- (J) ~~The~~ the applicant's signature.

(2) Both licensees and persons interested in obtaining a farmed cervid license shall comply with 02 NCAC 52L .0401(c)(1) ~~and 02 NCAC 52L .0402(d)(1)~~ by enrolling susceptible species of farmed cervid herds in either the Herd Certification Program. Program or the Monitored Herd Certification Program or both.

(b) Terms of License and Inventory Report.

(1) A farmed cervid license shall be valid from July 1 through June 30 for the year in which it was issued. If the new license is approved after July 1, it shall take effect on the date of issue.

(2) Licensees may apply for renewal each year during the renewal period of ~~January~~ October 1 through ~~March~~ December 31. If ~~March~~ December 31 falls on a weekend or holiday, then the renewals must be received by the Veterinary Division or postmarked by the next business day. The contents of the renewal application shall include:

- (A) ~~The~~ the licensee's name, address, and contact information, including telephone numbers and email addresses;
- (B) ~~The~~ the farm name, address, and contact information, including telephone numbers and email addresses;
- (C) a statement from the licensee verifying the information provided is accurate; and
- (D) ~~The~~ the licensee's signature.

(3) Licensees shall submit a written inventory report in spreadsheet form with their license renewal.

The inventory report shall include the:

(A) licensee's name, mailing address, telephone number, and email address;

(B) licensed facility name, address, and national premises identification number;

(C) farmed cervid license number;

(D) for susceptible species, the species, sex, and birth year of each susceptible species of farmed cervid;

(E) for susceptible species, the animal identification numbers for each susceptible species of farmed cervid; and

(F) for susceptible species, the date of disposition or death of any susceptible species of farmed cervid; and

(G) for non-susceptible species, the total number and the type and number of each non-susceptible species of farmed cervid as of the date of the application or renewal.

(4) The inventory report shall be accompanied by a statement from the licensee verifying the information provided is accurate.

(c) Renewal of Farmed Cervid License.

(1) Existing farmed cervid licenses shall be renewed as long as the applicant for renewal continues to meet the licensing requirements of this Subchapter.

(2) A person whose license has lapsed shall not be eligible for renewal, but may apply for a new license.

(d) Only one license shall be associated with each farmed cervid facility and national premises identification number.

(e) Each quarter, with the first quarter from January 1 to March 31, the second quarter from April 1 to June 30, the third quarter from July 1 to September 30, and the fourth quarter from October 1 to December 31, the licensee shall submit an updated inventory report to the Veterinary Division if susceptible species of fawns and calves were officially identified during that quarter. This update, if applicable, shall be submitted within 30 days of a quarter's end date.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0105 is amended as published in 36:12 NCR 1020-1021 as follows:

02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE

(a) Circumstances or purposes for which a farmed cervid license shall not be issued or renewed include the following:

- (1) failing to submit a complete application or renewal;
- (2) submitting falsified information;
- (3) for the purpose of holding non-farmed cervids or farmed cervids that were transported without a valid transportation permit;
- (4) for the purpose of rehabilitating non-farmed cervids;
- (5) for the purpose of commingling farmed and non-farmed cervids;
- (6) keeping any farmed cervid for reasons other than agricultural or commercial purposes, such as buying, selling, and production of farmed cervids, or for scientific, exhibition, and educational purposes;
- (7) to an individual under the age of 18 years of age;
- (8) failing to have susceptible species of farmed cervid herds enrolled in ~~either or both~~ the Herd Certification Program ~~or the Monitored Herd Certification Program~~ with the Veterinary Division; or
- (9) the applicant has violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, in his or her experience, based upon the nature of the violation, the applicant may not comply with the requirements of the farmed cervid license.

(b) Any person whose farmed cervid license or permit has been revoked or suspended shall not be licensed within the period during which the order of revocation or suspension remains in effect.

(c) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who was responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be licensed for facilities owned by his or her employer or facilities in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.

(d) The Department shall not issue a farmed cervid license until a person has:

- (1) constructed or acquired a facility for keeping farmed cervids that complies with 02 NCAC 52L .0201; and
- (2) had the facility inspected and verified by the Veterinary Division.

(e) No farmed cervid license shall be issued to any person in possession of rehabilitative or non-farmed cervid.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018;
Amended Eff. May 1, 2022.*

02 NCAC 52L .0106 is amended with changes as published in 36:12 NCR 1021-1022 as follows:

02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT

(a) Temporary exhibit permits shall not be issued for the buying, selling, or production of farmed cervids.

(b) A temporary exhibit permit shall only be issued for Reindeer or Caribou.

(c) Temporary exhibit permit applications shall be submitted to the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:

- (1) ~~The~~ the applicant's name;
- (2) ~~The~~ the applicant's address;
- (3) ~~The~~ the applicant's contact information, including telephone numbers and email addresses;
- (4) ~~The~~ the farm's name;
- (5) ~~The~~ the farm's address;
- (6) ~~The~~ the farm's contact information, including telephone numbers;
- (7) ~~The~~ the date(s) of the exhibit;
- (8) ~~The~~ the date of exhibit inspection by the Veterinary Division, unless an exhibit facility plan was previously approved and includes the date of facility plan approval and approval number;
- (9) ~~The~~ the purpose of the exhibit;
- (10) ~~The~~ the location of the exhibit, including the county;
- (11) ~~The~~ the species to be exhibited;
- (12) ~~The~~ the sex, date of birth, species, and identification number(s) for each cervid to be exhibited;
- (13) ~~A~~ a statement from the applicant verifying the information provided is accurate; and
- (14) ~~The~~ the applicant's signature.

(d) Temporary exhibit permits are only valid for the dates and locations specified. Applicants shall apply to the Veterinary Division:

- (1) five business days prior to the date of exhibit if the exhibitor previously submitted a detailed exhibit facility plan that has been pre-approved by the Veterinary Division. The detailed exhibit facility plan shall include descriptions of how the animals will be contained, the type of fencing or containment utilized, whether the public will be able to touch the animals, whether the animals will move from a containment area to a parade, and whether if any physical restraints will be utilized, and includes photographs or sketches of the display and the display area; or
- (2) 60 days prior to the date of exhibit.

(e) The Veterinary Division shall only issue temporary exhibit permits when the temporary exhibit area is inspected by the Veterinary Division and meets the following criteria:

- (1) all farmed cervids to be exhibited are from a certified herd and officially identified in accordance with ~~02 NCAC 52L .0112~~ and 9 C.F.R. 55.25;

- (2) the temporary exhibit enclosure, with the exception for farmed cervids exhibited during parades, shall:
- (A) be an area of at least 10 feet by 10 feet;
 - (B) have fencing at least eight feet in height with a ground clearance of no greater than three inches and sufficient in strength and stability to prevent escape, unless the animals are restrained to prevent escape;
 - (C) have an enclosure large enough to ensure each animal has sufficient room, based on the size and species of the animal, to stand erect and lie naturally; and
 - (D) have no exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure;
- (3) farmed cervids exhibited shall be secured so that no farmed cervids may escape; and
- (4) the temporary exhibit complies with Aedin's Law, G.S. 106-520.3A, and 02 NCAC 52K when those laws and rules apply.
- (f) All permit holders shall report any cervid escape, entry, or death within 24 hours of discovery to the Veterinary Division in accordance with 02 NCAC 52L .0110.
- (g) Circumstances or purposes for which a temporary exhibit permit shall not be issued include:
- (1) failing to submit a complete application;
 - (2) submitting a falsified application;
 - (3) for the purpose of holding non-farmed cervids or farmed cervids that have been transported without a transportation permit;
 - (4) for the purpose of rehabilitating non-farmed cervids;
 - (5) for the purpose of commingling farmed and non-farmed cervids; and
 - (6) to an individual under the age of 18 years of age.
- (h) Any person whose farmed cervid license or temporary exhibit permit has been revoked or suspended shall not be issued a temporary exhibit permit within the period during which the order of revocation or suspension remains in effect.
- (i) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who is responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be issued a permit for exhibits owned by his or her employer or exhibits in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.
- (j) No temporary exhibit permit shall be issued to any person in possession of rehabilitative or non-farmed cervid.

History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018;
Amended Eff. May 1, 2022.

02 NCAC 52L .0109 is amended as published in 36:12 NCR 1022 as follows:

02 NCAC 52L .0109 RECORDS AND INSPECTION

(a) Maintenance of Records.

(1) Each licensee shall maintain herd records for all susceptible species of farmed cervids, regardless of whether tagged with animal identification or not, as required by the USDA Standards and 9 C.F.R. 55.23(b), and maintain a copy of any documents related to susceptible species of farmed cervids submitted to the CWD Diagnostic Laboratory.

(2) All records required by this Subchapter and any ICVI as defined and required by 9 C.F.R. Part 86 shall be maintained by the licensee for a period of five years.

(b) Inspection of Records. The licensee shall make all records required under this Subchapter available for inspection and copying by the Veterinary Division.

(c) Inspection and Inventory of Licensed Facility and Exhibit. The licensee shall make all enclosures, exhibits, and any susceptible species of farmed cervid available for inspection by the Veterinary Division under conditions where all identification on the animals may be safely read by the ~~inspector.~~ inspector within a period of four (4) hours. The licensee shall also make any farmed cervid available for inspection to allow the Veterinary Division to ascertain the species of any farmed cervid under the same conditions. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.

(d) Fence Monitoring Requirement. The fence surrounding the enclosure shall be monitored weekly for structural soundness and stability by the licensee to prevent ingress and egress of any cervid.

(e) Maintenance.

(1) Any opening or passage resulting from damage or deterioration to the perimeter fence shall be sealed by the licensee within 24 hours upon detection or the animals secured until the fence is repaired to prevent any farmed cervid escape.

(2) Any damage to the enclosure fence that threatens its stability shall be repaired by the licensee within seven calendar days of detection, or within 24 hours if there is an imminent threat of farmed cervid escape.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0110 is amended with changes as published in 36:12 NCR 1022-1023 as follows:

02 NCAC 52L .0110 ESCAPE, DISAPPEARANCE, OR BREACH OF FACILITY

(a) When a licensee discovers the escape or disappearance of any farmed cervid, the licensee shall report the escape or disappearance within 24 hours by contacting the Veterinary Division by telephone at (919) 707-3250 or email at farmedcervid@ncagr.gov.

(1) The report shall include for susceptible species the identification numbers, species, sex, and age of the animals involved and the estimated time and date of escape or disappearance, and if deceased, the estimated time and date of death.

(2) A recaptured live farmed cervid shall be held in quarantine by itself or with other escapees by the licensee until the Veterinary Division determines the disposition of the farmed cervid, based on the risk of CWD transmission as a result of this escape. Failure to quarantine the escaped farmed cervid to prevent commingling with the herd shall result in the quarantine of the entire herd.

(3) The licensee shall be responsible for all costs associated with CWD testing and disposal of any escaped animal.

(4) If live recapture is not possible, the licensee shall harvest the escaped cervid if possible and submit the deceased cervid to the Diagnostic Laboratory for CWD testing.

(b) When a licensee discovers the entry of any non-farmed cervid into the licensed facility, the licensee shall:

(1) ~~Report~~ report the entry within 24 hours by contacting the Veterinary Division by telephone or email for further action or disposition of the non-farmed cervid;

(2) ~~Obtain~~ obtain a wildlife depredation permit from the North Carolina Wildlife Resources Commission. Contact information can be found at <http://www.ncwildlife.org/Licensing/Regulations/Nongame-and-Other-Regulations/Wildlife-Depredation#5836327-wildlife-taken-with-a-depredation-permit>;

(3) ~~Take~~ take the non-farmed cervid in accordance with the wildlife depredation permit; and

(4) ~~Submit~~ submit the non-farmed cervid for CWD ~~testing~~; testing at no charge to the licensee.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0111 is amended as published in 36:12 NCR 1023-1024 as follows:

02 NCAC 52L .0111 REPORTING CWD SYMPTOMS AND FARMED CERVID DEATH

(a) CWD Symptom Reporting:

~~(a)~~ (1) Each licensee shall notify the Veterinary Division by telephone upon discovery if any farmed cervid exhibits clinical symptoms of CWD, including loss of body condition, behavioral changes, excessive salivation, increased drinking and urination, depression, and eventual death. The Veterinary Division's telephone number is (919) 707-3250.

~~(b)~~ (2) Farmed cervids that exhibit clinical symptoms of CWD shall not be transported unless directed by the Veterinary Division.

~~(c) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within 24 hours upon knowledge of the death of any farmed cervid, including any slaughtered farmed cervid, whether sent to a slaughterhouse or slaughtered at the farm cervid facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone or email at farmedcervid@ncagr.gov. The report shall include the following information:~~

~~(1) — the licensee's name, mailing address, telephone number, and email address;~~

~~(2) — the licensee's facility name, address, and national premises identification number;~~

~~(3) — the farmed cervid license number;~~

~~(4) — the date of death;~~

~~(5) — the species and sex of each farmed cervid;~~

~~(6) — the animal identification for each farmed cervid;~~

~~(7) — the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing; and~~

~~(8) — a statement from the licensee verifying the information provided is accurate.~~

~~(d) The carcass of any farmed cervid that was 12 months of age or older that died of any cause shall be submitted by the licensee to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.~~

~~(e)~~ (3) Regardless of age, the carcass of all farmed cervids that exhibited clinical symptoms of CWD shall be submitted to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.

~~(f)~~ (4) In cases where animals escape or disappear and are not available for tissue sampling and testing, or when the samples are of such poor quality, as determined in accordance with the USDA Standards, including Part A(5.6) Sample Collection: Owner Responsibility, ~~(5.7)~~ (5.3) Sample Collection and Submission Procedures, ~~(5.9) Quality Control~~, ~~(5.10)~~ (5.4) Consequences of Poor Quality and Missing Samples, (6.4) Test Results, and (6.5) Autolyzed Samples, Rejected Samples, that they cannot be tested for CWD, the Veterinary Division may investigate, in cases of repeated unavailability of tissue sampling and testing, whether the unavailability of animals or usable samples for testing constitutes a failure to comply with

1 program requirements and may affect the herd's status in the Herd Certification ~~Program and the Monitored~~
2 ~~Herd Certification~~ Program.

3 ~~(g)~~ (5) The Veterinary Division may require CWD testing or quarantine, or both, at any facility if the
4 following circumstances or conditions occur:

5 ~~(1)~~ (A) any herd or animal tested positive for CWD within the facility;

6 ~~(2)~~ (B) the facility received farmed cervid from a facility that tested positive for CWD within five
7 years;

8 ~~(3)~~ (C) the facility may have been exposed to any CWD positive or suspect farmed cervid; or

9 ~~(4)~~ (D) the facility transferred any farmed cervid that tests positive for CWD within five years of
10 transfer.

11 (b) Reporting Death:

12 (1) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within
13 24 hours upon knowledge of the death of any susceptible species of farmed cervid, including any slaughtered
14 susceptible species of farmed cervid, whether sent to a slaughterhouse or slaughtered at the farmed cervid
15 facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone
16 or email at farmedcervid@ncagr.gov. The report shall include the following information:

17 (A) the licensee's name, mailing address, telephone number, and email address;

18 (B) the licensee's facility name, address, and national premises identification number;

19 (C) the farmed cervid license number;

20 (D) the date of death;

21 (E) the species and sex of each susceptible species of farmed cervid;

22 (F) the animal identification for each susceptible species of farmed cervid;

23 (G) the name and location of the Diagnostic Laboratory where the carcass of the susceptible specie
24 of farmed cervid is to be submitted for CWD testing if testing is required; and

25 (H) a statement from the licensee verifying the information provided is accurate.

26 (2) The carcass of any known susceptible species of farmed cervid that was 12 months of age or older that
27 died of any cause shall be submitted by the licensee or the licensee's designee to the Diagnostic Laboratory
28 for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.
29 Regardless of whether a farmed cervid is required to be tested or not, all deaths of susceptible species are
30 required to be reported.

31
32 *History Note: Authority G.S. 106-549.97(a2);*

33 *Eff. June 1, 2018;*

34 *Amended Eff. May 1, 2022.*

02 NCAC 52L .0112 is amended as published in 36:12 NCR 1024-1025 as follows:

02 NCAC 52L .0112 ANIMAL IDENTIFICATION

(a) Animal Identification Required.

- (1) Licensees shall identify all susceptible species of farmed cervid ~~with two forms of animal identification~~ in accordance with the USDA Standards and 9 C.F.R. 55.25.
- ~~(2) As one form of animal identification, licensees shall use USDA official tamper resistant ear tags approved for use by the Veterinary Division. The ear tags shall be affixed upon one ear of the farmed cervid by itself. Licensees shall inform the Veterinary Division the type of the second form of animal identification before affixing upon the farmed cervid.~~
- ~~(3)~~ (2) Susceptible species of farmed cervid ~~Farmed cervids~~ born within a licensed facility shall be officially identified on or before 12 months of age. Fawns and calves of susceptible species shall be deemed a year old for purposes of the rules in this Subchapter and shall be officially identified by the first July 1 following their birth, unless the farmed cervid licensee maintains a record of the month and year the calf or fawn was born.
- ~~(4)~~ (3) All farmed cervids ~~cervids, regardless of age,~~ shall be officially identified before being transported.
- ~~(5)~~ (4) All susceptible species of farmed cervids shall be identified and included in the inventory report and records as required by 02 NCAC 52L .0104(b) and 02 NCAC 52L .0109(a).

(b) Application for Animal Identification Tags.

- (1) Applicants may request animal identification tags from the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov, by providing the following information:
 - (A) the applicant's name, mailing address, telephone number, and email address;
 - (B) the licensed facility name, address, and national premises identification number;
 - (C) the farmed cervid license number; and
 - (D) the species, sex, and birth year of the farmed cervids.
- (2) The application shall be accompanied by a statement from the licensee verifying that the information provided is accurate.
- (3) The Veterinary Division may provide animal identification tags, based on availability of supplies, upon receipt of the completed application.

(c) Replacement of Animal Identification Tags.

- (1) Lost Tags. The loss of a tag shall be reported to the Veterinary Division by the licensee.
- (2) Unusable Tags. Tags that cannot be affixed to the ear of a farmed cervid or unreadable because of malformation or damage to the tags shall be reported to the Veterinary Division by the licensee.
- (3) Licensees may request replacement tags using the same form as provided pursuant to Paragraph (b) of this Rule and shall include the information required by Paragraph (b) of this Rule. The

1 Department may provide replacement tags, based on availability of supplies, upon receipt of the
2 application.

3 (4) Licensees shall update their records to reflect any replacement of tags and notify the Veterinary
4 Division of the update when submitting records during the license renewal period.

5 (5) If an animal identification is lost for any reason, the licensee shall comply with the identification
6 requirements as soon as possible, but no later than the next annual inspection or prior to transport,
7 whichever is earlier.

8
9 *History Note:* *Authority G.S. 106-549.97(a2);*
10 *Eff. June 1, 2018;*
11 *Amended Eff. May 1, 2022.*

02 NCAC 52L .0113 is amended as published in 36:12 NCR 1025 as follows:

02 NCAC 52L .0113 TRANSPORTATION PERMIT

(a) No person shall transport any farmed cervid within the State unless that person first obtains a transportation permit from the Veterinary Division.

(b) A transportation permit shall only be issued by the Veterinary Division to an applicant to transport farmed cervids:

- (1) from a Certified Herd;
- (2) not known to be susceptible to CWD; ~~from a herd enrolled in the Monitored Herd Certification Program;~~
- (3) to and from a veterinary medical facility for medical diagnosis or treatment;
- (4) to a slaughterhouse for slaughter;
- (5) for export out of North Carolina, subject to 9 C.F.R. 81.3; and
- (6) for import into North Carolina, subject to 02 NCAC 52B .0213.

(c) All transportation permit applications shall be submitted to the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or emailing farmedcervid@ncagr.gov, except for transportation for emergency veterinary treatment purposes in accordance with Paragraph (h) of this Rule, and shall include the following information:

- (1) the applicant's name, mailing address, telephone number, and email address;
- (2) the licensed facility or out-of-state facility name, address, and national premises identification number;
- (3) the farmed cervid license number or out-of-state CWD Herd Certification Program identification number;
- (4) the species and sex of each farmed cervid;
- (5) the animal identification for each farmed cervid;
- (6) the destination name, address, telephone number, and email address; and
- (7) the reason for the movement.

(d) Transportation permit applications shall include the following information when applicable:

- (1) for any susceptible species of farmed cervid to be moved for slaughter, the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing;
- (2) for transporting farmed cervids to an exhibit, the exhibit permit number;
- (3) for importing farmed cervid into the State, a copy of the ICVI as required by 9 C.F.R. Part 86; and
- (4) for importing into the State any CWD susceptible farmed cervid, as identified by the Veterinary Division or the USDA, a copy of the negative antemortem CWD test result using a method approved by the USDA.

(e) The transportation permit application shall be accompanied by a statement from the applicant verifying that the information provided is accurate.

- 1 (f) No ~~CWD~~ susceptible species of farmed cervids shall be exported out of State unless the animals have reached
2 Certified status.
- 3 (g) Transportation permits shall be valid for 30 calendar days unless otherwise stated on the permit.
- 4 (h) Emergency Veterinary Treatment. An applicant seeking to transport any farmed cervid for veterinary treatment
5 shall first contact the Veterinary Division by telephone or email to seek authorization. The telephone number is (919)
6 707-3250 and email address is farmedcervid@ncagr.gov. At the time of the request, the applicant shall provide to the
7 Veterinary Division information listed under Paragraph (c) of this Rule.
- 8 (i) No approval shall be issued for transportation of a susceptible species of farmed cervid to a veterinary medical
9 facility out-of-state.
- 10 (j) Any verbal authorization from the Veterinary Division shall only allow transportation of the farmed cervid to the
11 specified veterinary medical facility and directly back to the licensed facility, and shall not be construed to permit
12 intervening destinations.
- 13 (k) Licensees shall notify the Veterinary Division in writing, including the identification numbers of any farmed
14 cervid not transported in accordance with the transportation permit, within seven calendar days after the expiration of
15 the permit.
- 16 (l) Any person transporting any farmed cervid shall present the transportation permit to any law enforcement officer
17 or any representative of the Department upon request, except that a person transporting a farmed cervid by verbal
18 authorization for emergency veterinary treatment shall provide the Veterinary Division's telephone number that the
19 person contacted.
- 20 (m) The licensee shall be responsible for securing all farmed cervids during transport so as to prevent escape.

21
22 *History Note: Authority G.S. 106-307.5; 106-549.97(a2);*
23 *Eff. June 1, 2018;*
24 *Amended Eff. May 1, 2022.*

02 NCAC 52L .0201 is amended with changes as published in 36:12 NCR 1025-1026 as follows:

SECTION .0200 – ENCLOSURE REQUIREMENTS

02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS

(a) The enclosure size for any farmed cervid, including any fawn or calf, shall be at least half of one acre.

~~(b) Pen density requirements shall be as follows:~~

~~(1) three or less animals, excluding fawns or calves, for the first half of one acre;~~

~~(2) each additional animal, excluding fawns or calves, requires an additional one fourth acre until the enclosure reaches two acres; and~~

~~(3) a facility larger than two acres may have more than nine animals, provided animal husbandry practices are utilized to prevent dietary, environmental, behavioral, or other stresses.~~

~~(b)~~ (c) Bodies of water and impassible areas shall not be counted towards the minimum enclosure size or the area for pen density.

~~(d)~~ (c) The enclosure shall be surrounded by a fence:

(1) of sufficient strength and design to prevent ingress or egress of both farmed and non-farmed cervids under any circumstances;

(2) be at least eight feet high; and

(3) have a ground clearance of no greater than three inches.

~~(d)~~ (d) Farmed cervids shall not be contained within or be allowed to enter a place of residence, except for fawns or calves on a temporary basis in the course of emergency veterinary treatment in accordance with guidance from a licensed veterinarian. Licensees shall be responsible for securing all farmed cervids so as to prevent escape during transport or at the residence.

~~(e)~~ (e) No exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure.

~~(f)~~ (f) If a person intends to maintain two or more separate herds, that person shall maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet between the perimeter fencing around separate herds, and no commingling of animals shall occur. Movement of animals between herds shall be recorded as if they were separately owned herds.

(g) All additional farmed cervid enclosures added after a farmed cervid license has been issued shall first be inspected by [NCDA&CS] the North Carolina Department of Agriculture and Consumer Services and comply with the enclosure requirements of this Section prior to the housing of any farmed cervids.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0301 is amended with changes as published in 36:12 NCR 1026-1027 as follows:

SECTION .0300 - ENFORCEMENT

02 NCAC 52L .0301 LICENSE OR PERMIT REVOCATION, FORFEITURE, AND DEPOPULATION

(a) The Veterinary Division may take one or more of the following actions based on the nature of the violation against any person for failure to comply with the requirements of G.S. 106-549.97, 9 C.F.R. Part 55, 9 C.F.R. Part 81, the USDA Standards, or this Subchapter:

- (1) issue warnings;
- (2) revoke any license or permit issued under this Subchapter;
- (3) cancel the enrollment in the Herd Certification ~~Program or the Monitored Herd Certification~~ Program; or
- (4) reduce the status of a herd in accordance with 02 NCAC 52L .0401(g).

(b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this Rule and may order any farmed cervid brought into this State illegally be quarantined, tested for CWD, or terminated, or any combination thereof.

(c) Violations of this Subchapter include the following circumstances or conditions:

- (1) providing inaccurate or false information to the Veterinary Division;
- (2) failing to comply with animal identification requirements;
- (3) failing to comply with facility enclosure and maintenance requirements;
- (4) failing to comply with monitoring or record-keeping requirements;
- (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;
- (6) failing to report the death, escape, or disappearance, of any farmed cervid; or
- (7) failing to submit deceased farmed cervid for CWD testing.

(d) The Veterinary Division may revoke a farmed cervid license or temporary exhibit permit, or both, under any of the following circumstances or conditions:

- (1) ~~The~~ the farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0111;
- (2) ~~The~~ the farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0111; or
- (3) ~~The~~ the farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid without a permit in accordance with 02 NCAC 52L .0113.

(e) Disposition of Farmed Cervid.

(1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in one or more of the following manners:

- (A) sell or otherwise transfer ownership and possession of any farmed cervid;
- (B) export out of state any farmed cervid; or
- (C) terminate any remaining farmed cervid.

(2) In the event the Veterinary Division directed the disposition of any farmed cervid and the owner refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be paid by the owner.

(3) The release of any farmed cervid to the wild by any person ~~without authorization by the Veterinary Division shall~~ is prohibited.

(f) Disposal of Dead Farmed Cervids.

(1) Licensees shall be responsible for the disposal of any dead farmed cervid carcass in accordance with applicable laws and regulations and the costs associated with disposal.

(2) The carcass of farmed cervids that have been designated by the Department as CWD-positive, exposed, or suspect shall be disposed of in accordance with the USDA Standards, Part B (4.1) Suitable Disposal Methods, (7) Carcass Disposal, and using one of options provided under ~~the USDA Standards, Appendix V: Carcass Disposal of CWD Positive Animals or Animals of Unknown Status. Standards.~~

(3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive, exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018;
Amended Eff. May 1, 2022.*

02 NCAC 52L .0401 is amended with changes as published in 36:12 NCR 1027-1029 as follows:

SECTION .0400 – HERD CERTIFICATION PROGRAMS

02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM

(a) Scope. This Rule shall only apply to ~~CWD-susceptible~~ susceptible species of farmed cervids.

(b) Enrollment Qualifications.

(1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Herd Certification Program.

(2) Applicants shall comply with all farmed cervid license requirements and rules in this Subchapter in order to have herds enrolled and remain in the Herd Certification Program.

(c) Enrollment Application.

(1) Persons who possess any ~~CWD-susceptible~~ susceptible species of farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Herd Certification Program, if not already enrolled.

(2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.

(3) The Veterinary Division shall deny enrollment if:

(A) the applicant submits an incomplete farmed cervid license application;

(B) the applicant has provided false information;

(C) the applicant fails to provide additional information requested by the Veterinary Division;

(D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the requirements of the Herd Certification Program;

(E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd plan;

(F) any pending or outstanding citation exists against the applicant;

(G) the applicant has failed to comply with any farmed cervid license requirement; or

(H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (i) of this Rule.

(4) Upon determining that a herd is eligible to participate in the Herd Certification Program in accordance with Paragraphs (b) and (c) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.

(d) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Herd Certification Program after August 13, 2012, shall be the date the herd is approved for participation upon inspection except:

- (1) ~~For~~ for new herds that were formed from and contain only animals from herds enrolled in an Approved State CWD Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals;
- (2) ~~The~~ the first day that the herd participated in any state program that APHIS at a later date determines qualifies as an Approved State CWD Herd Certification Program; or
- (3) ~~If the herd was enrolled in the Monitored Herd Certification Program, then the enrollment date shall be the same as the Monitored Herd Certification Program enrollment date, subject to 9 C.F.R. 55.22(b)(1)(i); or~~
- (4) ~~Any~~ any other exception provided under 9 C.F.R. 55.22(b).

(e) Initial and Subsequent Herd Status.

- (1) When a herd is first enrolled in the Herd Certification Program, it shall be placed in the First Year status, unless the herd is composed only of animals ~~animals~~:
 - (A) obtained from herds already enrolled in the Herd Certification Program, or another USDA approved state CWD herd certification program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd, ~~herd~~; or
 - (B) ~~enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have its status transferred, subject to 9 C.F.R. 55.22(b)(1)(i).~~
- (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
 - (A) First Year – starts on enrollment date of the herd in the CWD Herd Certification Program.
 - (B) Second Year – starts on the anniversary date of the First Year.
 - (C) Third Year – starts on the anniversary date of the Second Year.
 - (D) Fourth Year – starts on the anniversary date of the Third Year.
 - (E) Fifth Year – starts on the anniversary date of the Fourth Year.
- (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.

(f) Loss or Suspension of Herd Status.

- (1) If the Veterinary Division determines that animals from a herd enrolled in the Herd Certification Program have commingled with animals from a herd with a lower program status, ~~including CWD non-susceptible farmed cervids~~, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
- (2) If a herd is designated a CWD-positive herd or a CWD-exposed herd by the Veterinary Division, it shall upon designation lose its program status and may only reenroll after entering into a herd plan.

- 1 (3) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd by the
2 Veterinary Division, it shall upon designation be placed in Suspended status pending an
3 epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If
4 the epidemiologic investigation:
- 5 (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall
6 be reinstated to its former program status, and the time spent in Suspended status shall
7 count toward its promotion to the next herd status level;
- 8 (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose
9 its program status and shall be designated a CWD-exposed herd;
- 10 (C) is unable to make a determination regarding the exposure of the herd, because the necessary
11 animal or animals are no longer available for testing (i.e., a trace animal from a known
12 positive herd died and was not tested) or for other reasons, the herd status shall continue as
13 Suspended until a herd plan is developed for the herd in accordance with its definition
14 under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD
15 Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated
16 to its former program status, and the time spent in Suspended status shall count toward its
17 promotion to the next herd status level. If the epidemiological investigation finds that the
18 licensee of the herd has not complied with the rules of this Subchapter for animal
19 identification, animal testing, and recordkeeping, the herd shall be reinstated into the Herd
20 Certification Program at the First Year status level, with a new enrollment date set at the
21 date the herd entered into Suspended status. Any herd reinstated after being placed in
22 Suspended status shall then comply with the requirements of the herd plan as well as the
23 requirements of the Herd Certification Program. The herd plan shall require testing of all
24 animals that die in the herd for any reason, regardless of the age of the animal; whenever
25 it is required by federal law, may require movement restrictions for animals in the herd
26 based on epidemiologic evidence regarding the risk posed by the animals in question; and
27 whenever it is required by federal law, may include other requirements found necessary to
28 control the risk of spreading CWD.
- 29 (g) Cancellation of Enrollment and Reduction of Herd Status.
- 30 (1) A licensee may cancel participation of any herd in the Herd Certification Program by surrendering
31 the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by
32 decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
- 33 (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd
34 after determining that the licensee failed to comply with any rule of this Subchapter, by giving
35 written notice to the licensee of the reasons for the cancellation or reduction in status.
- 36 (3) To appeal the designation of an animal as CWD-positive, cancellation of enrollment of a herd, or
37 loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.

1 (h) Adding Animals to Existing Herd.

2 (1) A herd may add animals from herds with the same or a higher herd status with no negative impact
3 on the certification status of the receiving herd.

4 (2) If animals are acquired from a herd with a lower herd status, ~~including CWD non-susceptible~~
5 ~~species~~, the receiving herd shall revert to the program status of the sending herd.

6 (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating
7 herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of
8 acquisition of the animal.

9 (i) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, including reinstating a suspended
10 status, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensee
11 shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to
12 the animals during handling rests with the licensee in accordance with the USDA Standards, ~~(2.4)~~ (2.1) Participating
13 Herd: Requirements for Enrollment.

14 (j) A licensee may commingle non-susceptible species of farmed cervid with susceptible species of farmed cervid
15 without [effecting] affecting the herd status of the susceptible species. This exception shall not apply to non-farmed
16 cervids or to non-susceptible species that are later determined by the Department to be CWD susceptible.

17
18 *History Note: Authority G.S. 106-549.97(a2);*

19 *Eff. June 1, 2018;*

20 *Amended Eff. May 1, 2022.*

1 02 NCAC 52L .0402 is repealed as published in 36:12 NCR 1029 as follows:

2

3 **02 NCAC 52L .0402 NORTH CAROLINA MONITORED HERD CERTIFICATION PROGRAM**

4

5 *History Note: Authority G.S. 106-549.97(a2);*

6 *Eff. June 1, 2018;*

7 *Repealed Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 38 .0705

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 (b)(2), please add an oxford comma after "e-mail" on line 10.

Please add "119-58;" to the Authority section of the History Note.

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 7, 2022

02 NCAC 38 .0705 is amended as published in 36:12 NCR 1001 as follows:

02 NCAC 38 .0705 NOTIFICATION FOR DISCONNECTION OF SERVICE

(a) This Rule contains additional standards relating to the requirements for disconnection of service contained in G.S. 119-58(b).

(b) To "notify the former supplier before disconnecting the former service and connecting the new service," as required by G.S. 119-58(b), means that the new supplier shall provide the former supplier with written notice containing the new supplier's name, address and telephone number, the consumer's name and address, and stating the date and time after which service is to be disconnected. The notice may be sent by mail, overnight mail, facsimile, e-mail or by hand-delivery, so long as it is received prior to the disconnection of the former service.

History Note: Authority G.S. 119-55;

Temporary Adoption Eff. January 1, 2003;

Eff. August 1, 2004;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;

Amended Eff. May 1, 2022.

02 NCAC 52L .0101 is amended as published in 36:12 NCR 1019 as follows:

02 NCAC 52L .0101 INCORPORATION BY REFERENCE

(a) For the purpose of the rules in this Subchapter, the following regulations and standards are hereby incorporated by reference including any subsequent amendments and editions:

(1) 9 C.F.R. Part 55;

(2) 9 C.F.R. Part 81;

(3) 9 C.F.R. Part 86; and

(4) The United States Department of Agriculture's Chronic Wasting Disease Program Standards (May 2014), 2019.

(b) The regulations and standards incorporated by reference in Paragraph (a) of this Rule are available free of cost at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and

~~https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/sa_alternate_livestock/sa_cervid_health/sa_cwd/et_cervid_health_program.~~

<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/cervid/cervids-cwd/cervids-voluntary-hcp>.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .0102

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:

When using a rule to define terms, do not capitalize the defined term unless the term either starts the sentence or is a proper name and will be capitalized throughout the Subchapter. For instance, in Subparagraph (b)(7), “calves” need not be capitalized. Please go through the definition list and correct.

In Subparagraph (b)(14), the definition of “State” is unnecessary. Throughout the Administrative code, “State” always refers to the State of North Carolina.

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 7, 2022

02 NCAC 52L .0102 is amended as published in 36:12 NCR 1019-1020 as follows:

02 NCAC 52L .0102 DEFINITIONS

(a) The definitions in the regulations and standards set forth in 02 NCAC 52L .0101 shall apply to such terms when used in this Subchapter, to the extent that they do not conflict with G.S. 106-549.97(a)(1) or Paragraph (b) of this Rule.

(b) The following definitions apply to this Subchapter:

- (1) "APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.
- (2) "Carcass" means the head, the whole animal, or tissue sample extracted in accordance with the USDA Standards, 9 C.F.R. 55.8 and 9 C.F.R. 55.23(b).
- (3) "Certified Herd" means any herd that has reached Certified status under an Approved State Chronic Wasting Disease Herd Certification Program as determined by the USDA in accordance with 9 C.F.R. 55.23(a) and 9 C.F.R. 55.24(a).
- (4) "CWD Testing" means official Chronic Wasting Disease ("CWD") testing in accordance with the USDA Standards, (6.2) Official CWD Test, and 9 C.F.R. 55.8.
- (5) "Diagnostic Laboratory" means the North Carolina Department of Agriculture and Consumer Services Veterinary Diagnostic Laboratory System.
- (6) "Facility" means a facility for farmed cervids.
- (7) "Fawns" or "Calves" means cervids under one year of age.
- (8) "Herd Certification Program" means the North Carolina Farmed Cervid Herd Certification Program.
- (9) "ICVI" means interstate certificate of veterinary inspection.
- (10) "Licensed Facility" means any facility associated with a farmed cervid license.
- (11) "Licensee" means a person issued a farmed cervid license in accordance with the rules of this Subchapter and includes designees named by the licensee.
- (12) ~~"Monitored Herd" means any herd that has reached Certified status under the North Carolina Monitored Herd Certification Program for CWD non-susceptible species in accordance with 02 NCAC 52L .0402.~~ "Non-susceptible species" means Cervidae that are not known to be naturally susceptible to CWD.
- (13) ~~"Officially Identified" means identification in accordance with 9 CFR 55.25. the attachment of a tamper resistant ear tag approved for use by the Veterinary Division on a farmed cervid.~~
- (14) "State" means the State of North Carolina.
- (15) "Susceptible species" means Cervidae that are known to be naturally susceptible to CWD.
- (16) "Temporary Exhibit" means a public display of farmed cervids including animal acts, educational displays, carnivals, circuses, parades, shopping center displays, and zoos, whether operated for profit or not.

1 ~~(16)~~ (17) "Veterinary Division" means the Veterinary Division of the North Carolina Department of
2 Agriculture and Consumer Services.

3 (c) Farmed cervids are livestock in accordance with 9 C.F.R. 86.1.
4

5 *History Note: Authority G.S. 106-549.97(a2);*

6 *Eff. June 1, 2018;*

7 *Amended Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .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 changes be made:

In Subparagraph (a)(1) and (b)(2), the first letter for each Part listed as (a)(1)(A) through (J) and (b)(2)(A) through (D) should not be capitalized.

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 7, 2022

02 NCAC 52L .0104 is amended as published in 36:12 NCR 1020 as follows:

02 NCAC 52L .0104 FARMED CERVID LICENSE

(a) Farmed Cervid License.

(1) Persons interested in obtaining a farmed cervid license shall apply with the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:

- (A) The applicant's name;
- (B) The applicant's address;
- (C) The applicant's contact information, including telephone numbers and email addresses;
- (D) The farm's name;
- (E) The farm's address;
- (F) The farm's contact information, including telephone numbers and email addresses;
- (G) A statement of whether the farm is commercial, defined as a farmed cervid facility that is or will be selling ~~deer cervid~~ or ~~deer cervid~~ products as a for-profit business, or private, defined as non-commercial;
- (H) a statement from the applicant verifying the information provided is accurate;
- (I) The national premises identification number; and
- (J) The applicant's signature.

(2) Both licensees and persons interested in obtaining a farmed cervid license shall comply with 02 NCAC 52L .0401(c)(1) ~~and 02 NCAC 52L .0402(d)(1)~~ by enrolling susceptible species of farmed cervid herds in either the Herd Certification Program. Program or the Monitored Herd Certification Program or both.

(b) Terms of License and Inventory Report.

(1) A farmed cervid license shall be valid from July 1 through June 30 for the year in which it was issued. If the new license is approved after July 1, it shall take effect on the date of issue.

(2) Licensees may apply for renewal each year during the renewal period of ~~January~~ October 1 through ~~March~~ December 31. If ~~March~~ December 31 falls on a weekend or holiday, then the renewals must be received by the Veterinary Division or postmarked by the next business day. The contents of the renewal application shall include:

- (A) The licensee's name, address, and contact information, including telephone numbers and email addresses;
- (B) The farm name, address, and contact information, including telephone numbers and email addresses;
- (C) a statement from the licensee verifying the information provided is accurate; and
- (D) The licensee's signature.

(3) Licensees shall submit a written inventory report in spreadsheet form with their license renewal.

The inventory report shall include the:

(A) licensee's name, mailing address, telephone number, and email address;

(B) licensed facility name, address, and national premises identification number;

(C) farmed cervid license number;

(D) for susceptible species, the species, sex, and birth year of each susceptible species of farmed cervid;

(E) for susceptible species, the animal identification numbers for each susceptible species of farmed cervid; and

(F) for susceptible species, the date of disposition or death of any susceptible species of farmed cervid; and

(G) for non-susceptible species, the total number and the type and number of each non-susceptible species of farmed cervid as of the date of the application or renewal.

(4) The inventory report shall be accompanied by a statement from the licensee verifying the information provided is accurate.

(c) Renewal of Farmed Cervid License.

(1) Existing farmed cervid licenses shall be renewed as long as the applicant for renewal continues to meet the licensing requirements of this Subchapter.

(2) A person whose license has lapsed shall not be eligible for renewal, but may apply for a new license.

(d) Only one license shall be associated with each farmed cervid facility and national premises identification number.

(e) Each quarter, with the first quarter from January 1 to March 31, the second quarter from April 1 to June 30, the third quarter from July 1 to September 30, and the fourth quarter from October 1 to December 31, the licensee shall submit an updated inventory report to the Veterinary Division if susceptible species of fawns and calves were officially identified during that quarter. This update, if applicable, shall be submitted within 30 days of a quarter's end date.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0105 is amended as published in 36:12 NCR 1020-1021 as follows:

02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE

(a) Circumstances or purposes for which a farmed cervid license shall not be issued or renewed include the following:

- (1) failing to submit a complete application or renewal;
- (2) submitting falsified information;
- (3) for the purpose of holding non-farmed cervids or farmed cervids that were transported without a valid transportation permit;
- (4) for the purpose of rehabilitating non-farmed cervids;
- (5) for the purpose of commingling farmed and non-farmed cervids;
- (6) keeping any farmed cervid for reasons other than agricultural or commercial purposes, such as buying, selling, and production of farmed cervids, or for scientific, exhibition, and educational purposes;
- (7) to an individual under the age of 18 years of age;
- (8) failing to have susceptible species of farmed cervid herds enrolled in ~~either or both~~ the Herd Certification Program ~~or the Monitored Herd Certification Program~~ with the Veterinary Division; or
- (9) the applicant has violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, in his or her experience, based upon the nature of the violation, the applicant may not comply with the requirements of the farmed cervid license.

(b) Any person whose farmed cervid license or permit has been revoked or suspended shall not be licensed within the period during which the order of revocation or suspension remains in effect.

(c) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who was responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be licensed for facilities owned by his or her employer or facilities in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.

(d) The Department shall not issue a farmed cervid license until a person has:

- (1) constructed or acquired a facility for keeping farmed cervids that complies with 02 NCAC 52L .0201; and
- (2) had the facility inspected and verified by the Veterinary Division.

(e) No farmed cervid license shall be issued to any person in possession of rehabilitative or non-farmed cervid.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018;
Amended Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .0106

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 (c)(1) through (14), the first letter for each Part should not be capitalized.

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 7, 2022

02 NCAC 52L .0106 is amended as published in 36:12 NCR 1021-1022 as follows:

02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT

(a) Temporary exhibit permits shall not be issued for the buying, selling, or production of farmed cervids.

(b) A temporary exhibit permit shall only be issued for Reindeer or Caribou.

(c) Temporary exhibit permit applications shall be submitted to the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:

- (1) The applicant's name;
- (2) The applicant's address;
- (3) The applicant's contact information, including telephone numbers and email addresses;
- (4) The farm's name;
- (5) The farm's address;
- (6) The farm's contact information, including telephone numbers;
- (7) The date(s) of the exhibit;
- (8) The date of exhibit inspection by the Veterinary Division, unless an exhibit facility plan was previously approved and includes the date of facility plan approval and approval number;
- (9) The purpose of the exhibit;
- (10) The location of the exhibit, including the county;
- (11) The species to be exhibited;
- (12) The sex, date of birth, species, and identification number(s) for each cervid to be exhibited;
- (13) A statement from the applicant verifying the information provided is accurate; and
- (14) The applicant's signature.

(d) Temporary exhibit permits are only valid for the dates and locations specified. Applicants shall apply to the Veterinary Division:

- (1) five business days prior to the date of exhibit if the exhibitor previously submitted a detailed exhibit facility plan that has been pre-approved by the Veterinary Division. The detailed exhibit facility plan shall include descriptions of how the animals will be contained, the type of fencing or containment utilized, whether the public will be able to touch the animals, whether the animals will move from a containment area to a parade, and whether if any physical restraints will be utilized, and includes photographs or sketches of the display and the display area; or
- (2) 60 days prior to the date of exhibit.

(e) The Veterinary Division shall only issue temporary exhibit permits when the temporary exhibit area is inspected by the Veterinary Division and meets the following criteria:

- (1) all farmed cervids to be exhibited are from a certified herd and officially identified in accordance with ~~02 NCAC 52L .0112~~ and 9 C.F.R. 55.25;

- (2) the temporary exhibit enclosure, with the exception for farmed cervids exhibited during parades, shall:
- (A) be an area of at least 10 feet by 10 feet;
 - (B) have fencing at least eight feet in height with a ground clearance of no greater than three inches and sufficient in strength and stability to prevent escape, unless the animals are restrained to prevent escape;
 - (C) have an enclosure large enough to ensure each animal has sufficient room, based on the size and species of the animal, to stand erect and lie naturally; and
 - (D) have no exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure;
- (3) farmed cervids exhibited shall be secured so that no farmed cervids may escape; and
- (4) the temporary exhibit complies with Aedin's Law, G.S. 106-520.3A, and 02 NCAC 52K when those laws and rules apply.
- (f) All permit holders shall report any cervid escape, entry, or death within 24 hours of discovery to the Veterinary Division in accordance with 02 NCAC 52L .0110.
- (g) Circumstances or purposes for which a temporary exhibit permit shall not be issued include:
- (1) failing to submit a complete application;
 - (2) submitting a falsified application;
 - (3) for the purpose of holding non-farmed cervids or farmed cervids that have been transported without a transportation permit;
 - (4) for the purpose of rehabilitating non-farmed cervids;
 - (5) for the purpose of commingling farmed and non-farmed cervids; and
 - (6) to an individual under the age of 18 years of age.
- (h) Any person whose farmed cervid license or temporary exhibit permit has been revoked or suspended shall not be issued a temporary exhibit permit within the period during which the order of revocation or suspension remains in effect.
- (i) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who is responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be issued a permit for exhibits owned by his or her employer or exhibits in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.
- (j) No temporary exhibit permit shall be issued to any person in possession of rehabilitative or non-farmed cervid.

History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018;
Amended Eff. May 1, 2022.

02 NCAC 52L .0109 is amended as published in 36:12 NCR 1022 as follows:

02 NCAC 52L .0109 RECORDS AND INSPECTION

(a) Maintenance of Records.

(1) Each licensee shall maintain herd records for all susceptible species of farmed cervids, regardless of whether tagged with animal identification or not, as required by the USDA Standards and 9 C.F.R. 55.23(b), and maintain a copy of any documents related to susceptible species of farmed cervids submitted to the CWD Diagnostic Laboratory.

(2) All records required by this Subchapter and any ICVI as defined and required by 9 C.F.R. Part 86 shall be maintained by the licensee for a period of five years.

(b) Inspection of Records. The licensee shall make all records required under this Subchapter available for inspection and copying by the Veterinary Division.

(c) Inspection and Inventory of Licensed Facility and Exhibit. The licensee shall make all enclosures, exhibits, and any susceptible species of farmed cervid available for inspection by the Veterinary Division under conditions where all identification on the animals may be safely read by the ~~inspector.~~ inspector within a period of four (4) hours. The licensee shall also make any farmed cervid available for inspection to allow the Veterinary Division to ascertain the species of any farmed cervid under the same conditions. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.

(d) Fence Monitoring Requirement. The fence surrounding the enclosure shall be monitored weekly for structural soundness and stability by the licensee to prevent ingress and egress of any cervid.

(e) Maintenance.

(1) Any opening or passage resulting from damage or deterioration to the perimeter fence shall be sealed by the licensee within 24 hours upon detection or the animals secured until the fence is repaired to prevent any farmed cervid escape.

(2) Any damage to the enclosure fence that threatens its stability shall be repaired by the licensee within seven calendar days of detection, or within 24 hours if there is an imminent threat of farmed cervid escape.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .0110

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)(1) through (4), the first letter for each Part should not be capitalized.

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 7, 2022

02 NCAC 52L .0110 is amended as published in 36:12 NCR 1022-1023 as follows:

02 NCAC 52L .0110 ESCAPE, DISAPPEARANCE, OR BREACH OF FACILITY

(a) When a licensee discovers the escape or disappearance of any farmed cervid, the licensee shall report the escape or disappearance within 24 hours by contacting the Veterinary Division by telephone at (919) 707-3250 or email at farmedcervid@ncagr.gov.

(1) The report shall include for susceptible species the identification numbers, species, sex, and age of the animals involved and the estimated time and date of escape or disappearance, and if deceased, the estimated time and date of death.

(2) A recaptured live farmed cervid shall be held in quarantine by itself or with other escapees by the licensee until the Veterinary Division determines the disposition of the farmed cervid, based on the risk of CWD transmission as a result of this escape. Failure to quarantine the escaped farmed cervid to prevent commingling with the herd shall result in the quarantine of the entire herd.

(3) The licensee shall be responsible for all costs associated with CWD testing and disposal of any escaped animal.

(4) If live recapture is not possible, the licensee shall harvest the escaped cervid if possible and submit the deceased cervid to the Diagnostic Laboratory for CWD testing.

(b) When a licensee discovers the entry of any non-farmed cervid into the licensed facility, the licensee shall:

(1) Report the entry within 24 hours by contacting the Veterinary Division by telephone or email for further action or disposition of the non-farmed cervid;

(2) Obtain a wildlife depredation permit from the North Carolina Wildlife Resources Commission. Contact information can be found at <http://www.ncwildlife.org/Licensing/Regulations/Nongame-and-Other-Regulations/Wildlife-Depredation#5836327-wildlife-taken-with-a-depredation-permit>;

(3) Take the non-farmed cervid in accordance with the wildlife depredation permit; and

(4) Submit the non-farmed cervid for CWD ~~testing~~ testing at no charge to the licensee.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

02 NCAC 52L .0111 is amended as published in 36:12 NCR 1023-1024 as follows:

02 NCAC 52L .0111 REPORTING CWD SYMPTOMS AND FARMED CERVID DEATH

(a) CWD Symptom Reporting:

~~(a)~~ (1) Each licensee shall notify the Veterinary Division by telephone upon discovery if any farmed cervid exhibits clinical symptoms of CWD, including loss of body condition, behavioral changes, excessive salivation, increased drinking and urination, depression, and eventual death. The Veterinary Division's telephone number is (919) 707-3250.

~~(b)~~ (2) Farmed cervids that exhibit clinical symptoms of CWD shall not be transported unless directed by the Veterinary Division.

~~(c) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within 24 hours upon knowledge of the death of any farmed cervid, including any slaughtered farmed cervid, whether sent to a slaughterhouse or slaughtered at the farm cervid facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone or email at farmedcervid@ncagr.gov. The report shall include the following information:~~

~~(1) — the licensee's name, mailing address, telephone number, and email address;~~

~~(2) — the licensee's facility name, address, and national premises identification number;~~

~~(3) — the farmed cervid license number;~~

~~(4) — the date of death;~~

~~(5) — the species and sex of each farmed cervid;~~

~~(6) — the animal identification for each farmed cervid;~~

~~(7) — the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing; and~~

~~(8) — a statement from the licensee verifying the information provided is accurate.~~

~~(d) The carcass of any farmed cervid that was 12 months of age or older that died of any cause shall be submitted by the licensee to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.~~

~~(e)~~ (3) Regardless of age, the carcass of all farmed cervids that exhibited clinical symptoms of CWD shall be submitted to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.

~~(f)~~ (4) In cases where animals escape or disappear and are not available for tissue sampling and testing, or when the samples are of such poor quality, as determined in accordance with the USDA Standards, including Part A(5.6) Sample Collection: Owner Responsibility, ~~(5.7)~~ (5.3) Sample Collection and Submission Procedures, ~~(5.9) Quality Control~~, ~~(5.10)~~ (5.4) Consequences of Poor Quality and Missing Samples, (6.4) Test Results, and (6.5) Autolyzed Samples, Rejected Samples, that they cannot be tested for CWD, the Veterinary Division may investigate, in cases of repeated unavailability of tissue sampling and testing, whether the unavailability of animals or usable samples for testing constitutes a failure to comply with

1 program requirements and may affect the herd's status in the Herd Certification ~~Program and the Monitored~~
2 ~~Herd Certification~~ Program.

3 ~~(g)~~ (5) The Veterinary Division may require CWD testing or quarantine, or both, at any facility if the
4 following circumstances or conditions occur:

5 ~~(1)~~ (A) any herd or animal tested positive for CWD within the facility;

6 ~~(2)~~ (B) the facility received farmed cervid from a facility that tested positive for CWD within five
7 years;

8 ~~(3)~~ (C) the facility may have been exposed to any CWD positive or suspect farmed cervid; or

9 ~~(4)~~ (D) the facility transferred any farmed cervid that tests positive for CWD within five years of
10 transfer.

11 (b) Reporting Death:

12 (1) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within
13 24 hours upon knowledge of the death of any susceptible species of farmed cervid, including any slaughtered
14 susceptible species of farmed cervid, whether sent to a slaughterhouse or slaughtered at the farmed cervid
15 facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone
16 or email at farmedcervid@ncagr.gov. The report shall include the following information:

17 (A) the licensee's name, mailing address, telephone number, and email address;

18 (B) the licensee's facility name, address, and national premises identification number;

19 (C) the farmed cervid license number;

20 (D) the date of death;

21 (E) the species and sex of each susceptible species of farmed cervid;

22 (F) the animal identification for each susceptible species of farmed cervid;

23 (G) the name and location of the Diagnostic Laboratory where the carcass of the susceptible specie
24 of farmed cervid is to be submitted for CWD testing if testing is required; and

25 (H) a statement from the licensee verifying the information provided is accurate.

26 (2) The carcass of any known susceptible species of farmed cervid that was 12 months of age or older that
27 died of any cause shall be submitted by the licensee or the licensee's designee to the Diagnostic Laboratory
28 for CWD testing unless instructed otherwise by the Veterinary Division due to the condition of the carcass.
29 Regardless of whether a farmed cervid is required to be tested or not, all deaths of susceptible species are
30 required to be reported.

31
32 *History Note: Authority G.S. 106-549.97(a2);*

33 *Eff. June 1, 2018;*

34 *Amended Eff. May 1, 2022.*

02 NCAC 52L .0112 is amended as published in 36:12 NCR 1024-1025 as follows:

02 NCAC 52L .0112 ANIMAL IDENTIFICATION

(a) Animal Identification Required.

- (1) Licensees shall identify all susceptible species of farmed cervid ~~with two forms of animal identification~~ in accordance with the USDA Standards and 9 C.F.R. 55.25.
- ~~(2) As one form of animal identification, licensees shall use USDA official tamper resistant ear tags approved for use by the Veterinary Division. The ear tags shall be affixed upon one ear of the farmed cervid by itself. Licensees shall inform the Veterinary Division the type of the second form of animal identification before affixing upon the farmed cervid.~~
- ~~(3)~~ (2) Susceptible species of farmed cervid ~~Farmed cervids~~ born within a licensed facility shall be officially identified on or before 12 months of age. Fawns and calves of susceptible species shall be deemed a year old for purposes of the rules in this Subchapter and shall be officially identified by the first July 1 following their birth, unless the farmed cervid licensee maintains a record of the month and year the calf or fawn was born.
- ~~(4)~~ (3) All farmed cervids ~~cervids, regardless of age,~~ shall be officially identified before being transported.
- ~~(5)~~ (4) All susceptible species of farmed cervids shall be identified and included in the inventory report and records as required by 02 NCAC 52L .0104(b) and 02 NCAC 52L .0109(a).

(b) Application for Animal Identification Tags.

- (1) Applicants may request animal identification tags from the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov, by providing the following information:
 - (A) the applicant's name, mailing address, telephone number, and email address;
 - (B) the licensed facility name, address, and national premises identification number;
 - (C) the farmed cervid license number; and
 - (D) the species, sex, and birth year of the farmed cervids.
- (2) The application shall be accompanied by a statement from the licensee verifying that the information provided is accurate.
- (3) The Veterinary Division may provide animal identification tags, based on availability of supplies, upon receipt of the completed application.

(c) Replacement of Animal Identification Tags.

- (1) Lost Tags. The loss of a tag shall be reported to the Veterinary Division by the licensee.
- (2) Unusable Tags. Tags that cannot be affixed to the ear of a farmed cervid or unreadable because of malformation or damage to the tags shall be reported to the Veterinary Division by the licensee.
- (3) Licensees may request replacement tags using the same form as provided pursuant to Paragraph (b) of this Rule and shall include the information required by Paragraph (b) of this Rule. The

1 Department may provide replacement tags, based on availability of supplies, upon receipt of the
2 application.

3 (4) Licensees shall update their records to reflect any replacement of tags and notify the Veterinary
4 Division of the update when submitting records during the license renewal period.

5 (5) If an animal identification is lost for any reason, the licensee shall comply with the identification
6 requirements as soon as possible, but no later than the next annual inspection or prior to transport,
7 whichever is earlier.

8
9 *History Note:* *Authority G.S. 106-549.97(a2);*
10 *Eff. June 1, 2018;*
11 *Amended Eff. May 1, 2022.*

02 NCAC 52L .0113 is amended as published in 36:12 NCR 1025 as follows:

02 NCAC 52L .0113 TRANSPORTATION PERMIT

(a) No person shall transport any farmed cervid within the State unless that person first obtains a transportation permit from the Veterinary Division.

(b) A transportation permit shall only be issued by the Veterinary Division to an applicant to transport farmed cervids:

- (1) from a Certified Herd;
- (2) not known to be susceptible to CWD; ~~from a herd enrolled in the Monitored Herd Certification Program;~~
- (3) to and from a veterinary medical facility for medical diagnosis or treatment;
- (4) to a slaughterhouse for slaughter;
- (5) for export out of North Carolina, subject to 9 C.F.R. 81.3; and
- (6) for import into North Carolina, subject to 02 NCAC 52B .0213.

(c) All transportation permit applications shall be submitted to the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or emailing farmedcervid@ncagr.gov, except for transportation for emergency veterinary treatment purposes in accordance with Paragraph (h) of this Rule, and shall include the following information:

- (1) the applicant's name, mailing address, telephone number, and email address;
- (2) the licensed facility or out-of-state facility name, address, and national premises identification number;
- (3) the farmed cervid license number or out-of-state CWD Herd Certification Program identification number;
- (4) the species and sex of each farmed cervid;
- (5) the animal identification for each farmed cervid;
- (6) the destination name, address, telephone number, and email address; and
- (7) the reason for the movement.

(d) Transportation permit applications shall include the following information when applicable:

- (1) for any susceptible species of farmed cervid to be moved for slaughter, the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing;
- (2) for transporting farmed cervids to an exhibit, the exhibit permit number;
- (3) for importing farmed cervid into the State, a copy of the ICVI as required by 9 C.F.R. Part 86; and
- (4) for importing into the State any CWD susceptible farmed cervid, as identified by the Veterinary Division or the USDA, a copy of the negative antemortem CWD test result using a method approved by the USDA.

(e) The transportation permit application shall be accompanied by a statement from the applicant verifying that the information provided is accurate.

- 1 (f) No ~~CWD~~ susceptible species of farmed cervids shall be exported out of State unless the animals have reached
2 Certified status.
- 3 (g) Transportation permits shall be valid for 30 calendar days unless otherwise stated on the permit.
- 4 (h) Emergency Veterinary Treatment. An applicant seeking to transport any farmed cervid for veterinary treatment
5 shall first contact the Veterinary Division by telephone or email to seek authorization. The telephone number is (919)
6 707-3250 and email address is farmedcervid@ncagr.gov. At the time of the request, the applicant shall provide to the
7 Veterinary Division information listed under Paragraph (c) of this Rule.
- 8 (i) No approval shall be issued for transportation of a susceptible species of farmed cervid to a veterinary medical
9 facility out-of-state.
- 10 (j) Any verbal authorization from the Veterinary Division shall only allow transportation of the farmed cervid to the
11 specified veterinary medical facility and directly back to the licensed facility, and shall not be construed to permit
12 intervening destinations.
- 13 (k) Licensees shall notify the Veterinary Division in writing, including the identification numbers of any farmed
14 cervid not transported in accordance with the transportation permit, within seven calendar days after the expiration of
15 the permit.
- 16 (l) Any person transporting any farmed cervid shall present the transportation permit to any law enforcement officer
17 or any representative of the Department upon request, except that a person transporting a farmed cervid by verbal
18 authorization for emergency veterinary treatment shall provide the Veterinary Division's telephone number that the
19 person contacted.
- 20 (m) The licensee shall be responsible for securing all farmed cervids during transport so as to prevent escape.

21
22 *History Note: Authority G.S. 106-307.5; 106-549.97(a2);*
23 *Eff. June 1, 2018;*
24 *Amended Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .0201

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 (g), instead of using "NCDA&CS" on line 31, please consider using either the full name or "the Department".

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 7, 2022

02 NCAC 52L .0201 is amended as published in 36:12 NCR 1025-1026 as follows:

SECTION .0200 – ENCLOSURE REQUIREMENTS

02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS

(a) The enclosure size for any farmed cervid, including any fawn or calf, shall be at least half of one acre.

~~(b) Pen density requirements shall be as follows:~~

~~(1) three or less animals, excluding fawns or calves, for the first half of one acre;~~

~~(2) each additional animal, excluding fawns or calves, requires an additional one fourth acre until the enclosure reaches two acres; and~~

~~(3) a facility larger than two acres may have more than nine animals, provided animal husbandry practices are utilized to prevent dietary, environmental, behavioral, or other stresses.~~

~~(b)~~ (c) Bodies of water and impassible areas shall not be counted towards the minimum enclosure size or the area for pen density.

~~(c)~~ (d) The enclosure shall be surrounded by a fence:

(1) of sufficient strength and design to prevent ingress or egress of both farmed and non-farmed cervids under any circumstances;

(2) be at least eight feet high; and

(3) have a ground clearance of no greater than three inches.

~~(d)~~ (e) Farmed cervids shall not be contained within or be allowed to enter a place of residence, except for fawns or calves on a temporary basis in the course of emergency veterinary treatment in accordance with guidance from a licensed veterinarian. Licensees shall be responsible for securing all farmed cervids so as to prevent escape during transport or at the residence.

~~(e)~~ (f) No exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure.

~~(f)~~ (g) If a person intends to maintain two or more separate herds, that person shall maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet between the perimeter fencing around separate herds, and no commingling of animals shall occur. Movement of animals between herds shall be recorded as if they were separately owned herds.

(g) All additional farmed cervid enclosures added after a farmed cervid license has been issued shall first be inspected by NCDA&CS and comply with the enclosure requirements of this Section prior to the housing of any farmed cervids.

History Note: Authority G.S. 106-549.97(a2);

Eff. June 1, 2018;

Amended Eff. May 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .0301

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.

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

In Subparagraph (d)(1) through (3), the first letter for each Part should not be capitalized.

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 7, 2022

02 NCAC 52L .0301 is amended as published in 36:12 NCR 1026-1027 as follows:

SECTION .0300 - ENFORCEMENT

02 NCAC 52L .0301 LICENSE OR PERMIT REVOCATION, FORFEITURE, AND DEPOPULATION

(a) The Veterinary Division may take one or more of the following actions based on the nature of the violation against any person for failure to comply with the requirements of G.S. 106-549.97, 9 C.F.R. Part 55, 9 C.F.R. Part 81, the USDA Standards, or this Subchapter:

- (1) issue warnings;
- (2) revoke any license or permit issued under this Subchapter;
- (3) cancel the enrollment in the Herd Certification ~~Program or the Monitored Herd Certification Program~~; or
- (4) reduce the status of a herd in accordance with 02 NCAC 52L .0401(g).

(b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this Rule and may order any farmed cervid brought into this State illegally be quarantined, tested for CWD, or terminated, or any combination thereof.

(c) Violations of this Subchapter include the following circumstances or conditions:

- (1) providing inaccurate or false information to the Veterinary Division;
- (2) failing to comply with animal identification requirements;
- (3) failing to comply with facility enclosure and maintenance requirements;
- (4) failing to comply with monitoring or record-keeping requirements;
- (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;
- (6) failing to report the death, escape, or disappearance, of any farmed cervid; or
- (7) failing to submit deceased farmed cervid for CWD testing.

(d) The Veterinary Division may revoke a farmed cervid license or temporary exhibit permit, or both, under any of the following circumstances or conditions:

- (1) The farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0111;
- (2) The farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0111; or
- (3) The farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid without a permit in accordance with 02 NCAC 52L .0113.

(e) Disposition of Farmed Cervid.

- (1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in one or more of the following manners:
 - (A) sell or otherwise transfer ownership and possession of any farmed cervid;

- 1 (B) export out of state any farmed cervid; or
2 (C) terminate any remaining farmed cervid.
- 3 (2) In the event the Veterinary Division directed the disposition of any farmed cervid and the owner
4 refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be paid
5 by the owner.
- 6 (3) The release of any farmed cervid to the wild by any person ~~without authorization by the Veterinary~~
7 ~~Division shall~~ is be prohibited.
- 8 (f) Disposal of Dead Farmed Cervids.
- 9 (1) Licensees shall be responsible for the disposal of any dead farmed cervid carcass in accordance with
10 applicable laws and regulations and the costs associated with disposal.
- 11 (2) The carcass of farmed cervids that have been designated by the Department as CWD-positive,
12 exposed, or suspect shall be disposed of in accordance with the USDA Standards, Part B (4.1)
13 Suitable Disposal Methods, (7) Carcass Disposal, and using one of options provided under the
14 USDA Standards, Appendix V: Carcass Disposal of CWD Positive Animals or Animals of
15 Unknown Status, Standards.
- 16 (3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive,
17 exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.
- 18
- 19 *History Note: Authority G.S. 106-549.97(a2);*
20 *Eff. June 1, 2018;*
21 *Amended Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: N.C. Board of Agriculture

RULE CITATION: 02 NCAC 52L .0401

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 (d)(1) through (3), the first letter for each Part should not be capitalized.

In Paragraph (j), line 15, change “effecting” to “affecting”.

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 7, 2022

02 NCAC 52L .0401 is amended as published in 36:12 NCR 1027-1029 as follows:

SECTION .0400 – HERD CERTIFICATION PROGRAMS

02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM

(a) Scope. This Rule shall only apply to ~~CWD-susceptible~~ susceptible species of farmed cervids.

(b) Enrollment Qualifications.

(1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Herd Certification Program.

(2) Applicants shall comply with all farmed cervid license requirements and rules in this Subchapter in order to have herds enrolled and remain in the Herd Certification Program.

(c) Enrollment Application.

(1) Persons who possess any ~~CWD-susceptible~~ susceptible species of farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Herd Certification Program, if not already enrolled.

(2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.

(3) The Veterinary Division shall deny enrollment if:

(A) the applicant submits an incomplete farmed cervid license application;

(B) the applicant has provided false information;

(C) the applicant fails to provide additional information requested by the Veterinary Division;

(D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the requirements of the Herd Certification Program;

(E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd plan;

(F) any pending or outstanding citation exists against the applicant;

(G) the applicant has failed to comply with any farmed cervid license requirement; or

(H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (i) of this Rule.

(4) Upon determining that a herd is eligible to participate in the Herd Certification Program in accordance with Paragraphs (b) and (c) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.

(d) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Herd Certification Program after August 13, 2012, shall be the date the herd is approved for participation upon inspection except:

- (1) For new herds that were formed from and contain only animals from herds enrolled in an Approved State CWD Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals;
- (2) The first day that the herd participated in any state program that APHIS at a later date determines qualifies as an Approved State CWD Herd Certification Program; or
- (3) ~~If the herd was enrolled in the Monitored Herd Certification Program, then the enrollment date shall be the same as the Monitored Herd Certification Program enrollment date, subject to 9 C.F.R. 55.22(b)(1)(i); or~~
- (4) Any other exception provided under 9 C.F.R. 55.22(b).

(e) Initial and Subsequent Herd Status.

- (1) When a herd is first enrolled in the Herd Certification Program, it shall be placed in the First Year status, unless the herd is composed only of animals ~~animals~~:
 - (A) ~~obtained from herds already enrolled in the Herd Certification Program, or another USDA approved state CWD herd certification program,~~ the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd, ~~herd~~; ~~or~~
 - (B) ~~enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have its status transferred, subject to 9 C.F.R. 55.22(b)(1)(i).~~
- (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
 - (A) First Year – starts on enrollment date of the herd in the CWD Herd Certification Program.
 - (B) Second Year – starts on the anniversary date of the First Year.
 - (C) Third Year – starts on the anniversary date of the Second Year.
 - (D) Fourth Year – starts on the anniversary date of the Third Year.
 - (E) Fifth Year – starts on the anniversary date of the Fourth Year.
- (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.

(f) Loss or Suspension of Herd Status.

- (1) If the Veterinary Division determines that animals from a herd enrolled in the Herd Certification Program have commingled with animals from a herd with a lower program status, ~~including CWD non-susceptible farmed cervids,~~ the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
- (2) If a herd is designated a CWD-positive herd or a CWD-exposed herd by the Veterinary Division, it shall upon designation lose its program status and may only reenroll after entering into a herd plan.

- 1 (3) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd by the
2 Veterinary Division, it shall upon designation be placed in Suspended status pending an
3 epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If
4 the epidemiologic investigation:
- 5 (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall
6 be reinstated to its former program status, and the time spent in Suspended status shall
7 count toward its promotion to the next herd status level;
- 8 (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose
9 its program status and shall be designated a CWD-exposed herd;
- 10 (C) is unable to make a determination regarding the exposure of the herd, because the necessary
11 animal or animals are no longer available for testing (i.e., a trace animal from a known
12 positive herd died and was not tested) or for other reasons, the herd status shall continue as
13 Suspended until a herd plan is developed for the herd in accordance with its definition
14 under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD
15 Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated
16 to its former program status, and the time spent in Suspended status shall count toward its
17 promotion to the next herd status level. If the epidemiological investigation finds that the
18 licensee of the herd has not complied with the rules of this Subchapter for animal
19 identification, animal testing, and recordkeeping, the herd shall be reinstated into the Herd
20 Certification Program at the First Year status level, with a new enrollment date set at the
21 date the herd entered into Suspended status. Any herd reinstated after being placed in
22 Suspended status shall then comply with the requirements of the herd plan as well as the
23 requirements of the Herd Certification Program. The herd plan shall require testing of all
24 animals that die in the herd for any reason, regardless of the age of the animal; whenever
25 it is required by federal law, may require movement restrictions for animals in the herd
26 based on epidemiologic evidence regarding the risk posed by the animals in question; and
27 whenever it is required by federal law, may include other requirements found necessary to
28 control the risk of spreading CWD.
- 29 (g) Cancellation of Enrollment and Reduction of Herd Status.
- 30 (1) A licensee may cancel participation of any herd in the Herd Certification Program by surrendering
31 the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by
32 decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
- 33 (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd
34 after determining that the licensee failed to comply with any rule of this Subchapter, by giving
35 written notice to the licensee of the reasons for the cancellation or reduction in status.
- 36 (3) To appeal the designation of an animal as CWD-positive, cancellation of enrollment of a herd, or
37 loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.

1 (h) Adding Animals to Existing Herd.

2 (1) A herd may add animals from herds with the same or a higher herd status with no negative impact
3 on the certification status of the receiving herd.

4 (2) If animals are acquired from a herd with a lower herd status, ~~including CWD non-susceptible~~
5 ~~species~~, the receiving herd shall revert to the program status of the sending herd.

6 (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating
7 herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of
8 acquisition of the animal.

9 (i) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, including reinstating a suspended
10 status, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensee
11 shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to
12 the animals during handling rests with the licensee in accordance with the USDA Standards, ~~(2.4)~~ (2.1) Participating
13 Herd: Requirements for Enrollment.

14 (j) A licensee may commingle non-susceptible species of farmed cervid with susceptible species of farmed cervid
15 without effecting the herd status of the susceptible species. This exception shall not apply to non-farmed cervids or to
16 non-susceptible species that are later determined by the Department to be CWD susceptible.

17
18 *History Note: Authority G.S. 106-549.97(a2);*

19 *Eff. June 1, 2018;*

20 *Amended Eff. May 1, 2022.*

1 02 NCAC 52L .0402 is repealed as published in 36:12 NCR 1029 as follows:

2

3 **02 NCAC 52L .0402 NORTH CAROLINA MONITORED HERD CERTIFICATION PROGRAM**

4

5 *History Note: Authority G.S. 106-549.97(a2);*

6 *Eff. June 1, 2018;*

7 *Repealed Eff. May 1, 2022.*

Burgos, Alexander N

Subject: FW: RRC Rule Submission

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, April 5, 2022 11:37 AM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Rule Submission

Good morning, Ms. Keller,

I'm the attorney who reviewed the Rule submitted by DHHS – Division of Health Benefits 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 evite 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 evites out to them as well.

After reviewing your rules, I have found that no revisions are necessary. 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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Burgos, Alexander N

Subject: FW: RRC Rule Submission

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, April 5, 2022 11:37 AM
To: Keller, Shazia A <Shazia.Keller@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Rule Submission

Good morning, Ms. Keller,

I'm the attorney who reviewed the Rule submitted by DHHS – Division of Health Benefits 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 evite 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 evites out to them as well.

After reviewing your rules, I have found that no revisions are necessary. 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
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10 NCAC 23A .0102 is amended with changes as published in 36:10 NCR 868-871 as follows:

10A NCAC 23A .0102 DEFINITIONS

For purposes of this Chapter, the following definitions apply:

- (1) "M-AA" means a program of medical assistance to persons 65 years of age and older, and also means the assistance itself.
- (2) "M-AB" means a program of medical assistance to blind persons, and also means the assistance itself.
- (3) "M-AD" means a program of medical assistance to disabled persons less than 65 years of age, and also means the assistance itself.
- (4) "M-AF" means a program of medical assistance for families and children, and also means the assistance itself.
- (5) "M-IC" means a program of medical assistance for infants and children, and also means the assistance itself.
- (6) "M-PW" means a program of medical assistance for pregnant women, and also means the assistance itself.
- (7) "M-QB" means a program of medical assistance for qualified Medicare beneficiaries described at 42 U.S.C. 1396d(p), and also means the assistance itself.
- (8) "AFDC" means a program of assistance for families with dependent children, and also means the assistance itself.
- (9) "AFDC-MA" has the same meaning as "M-AF".
- (10) "Adequate Notice" means a written notice to inform the client of intended action. The client must receive this notice no later than the effective date of the action.
- (11) "Advance Notice" means a written notice to inform the client at least 10 work days prior to terminating assistance, beginning or increasing a deductible, or beginning or increasing patient monthly liability.
- (12) "Agency" means the Division of Health Benefits and the county departments of social services, unless separately identified.
- (13) "Appeal" means an oral or written request from a client for a hearing to review the action of a county department of social services or the disability decision when the client is dissatisfied with the decision in his case.
- (14) "Application" means a written request for assistance on a form prescribed by the state that is signed under penalty of perjury by a client or an individual authorized by the client to be his representative for establishing his eligibility for medical assistance.
- (15) "Authorization Period" means the period for which all conditions of eligibility have been established and for which the client is authorized to receive a Medicaid card and benefits.
- (16) "Award Letter" means a statement to an individual from a governmental or private agency indicating benefits for which he is eligible.

- 1 (17) "BENDEX" means Beneficiary Data Exchange with the Social Security Administration for social
2 security status and amount of benefits.
- 3 (18) "Budget Unit" means all persons whose income and needs are considered in the determination of
4 eligibility for Medicaid.
- 5 ~~(19) "Caretaker Relative" means a parent or a person in one of the following groups with whom a~~
6 ~~child lives:~~
- 7 ~~(a) any blood relative, including those of half blood, and including first cousins,~~
8 ~~nephews, or nieces, and persons of preceding generations as denoted by prefixes~~
9 ~~of grand, great, or great great;~~
- 10 ~~(b) stepfather, stepmother, stepbrother, and stepsister;~~
- 11 ~~(c) persons who legally adopt a child, their parents as well as the natural and other~~
12 ~~legally adopted children of such persons, and other relatives of the adoptive~~
13 ~~parents in accordance with state law;~~
- 14 ~~(d) spouses of any persons named in the groups in Subitem (19)(a) (c) of this Rule~~
15 ~~even after the marriage is terminated by death or divorce.~~
- 16 ~~(19)(20)~~ "Certification Period" means the months for which eligibility is being established.
- 17 ~~(20)(21)~~ "Client" means any applicant for or recipient of Medicaid, or someone who makes inquiries, is
18 interviewed, or has been otherwise served or someone acting for the client.
- 19 ~~(21)(22)~~ "Client Information" or "Client Record" means any information, including information stored in
20 computer data banks or computer files relating to a client that was received in connection with
21 the performance of any function of the agency.
- 22 ~~(22)(23)~~ "Collateral" means a person or agency who can substantiate or verify information necessary to
23 establish eligibility.
- 24 ~~(23)(24)~~ "Contiguous Property" means real property with boundaries joining the homesite of the client.
- 25 ~~(24)(25)~~ "Court Order" means any written order from a judge or a written document from a judicial
26 official that explicitly directs the release of client information.
- 27 ~~(25)(26)~~ "Deductible" means the amount that the client or budget unit member must personally spend or
28 incur for medical expenses before he can be authorized to receive a Medicaid card and
29 services that may be billed to the Medicaid program.
- 30 ~~(26)(27)~~ "Delegated Representative" means a staff member designated by the director to carry out the
31 responsibilities established by the rules in this Subchapter. Designation is implied when
32 the assigned duties of an employee require access to confidential information.
- 33 ~~(27)(28)~~ "Deprivation" means the lack of support or care from one or both parents (including adoptive
34 parents) of a dependent child, as a result of the absence, incapacity, unemployment, or death of
35 either parent.

1 ~~(28)~~~~(29)~~ "Director" means the head of the Division of Health Benefits or the county department of
2 social services.

3 ~~(29)~~~~(30)~~ "Disregard of Earned Income" means the procedure for exempting portions of earned income
4 as a resource when determining the amount of payment.

5 ~~(30)~~~~(31)~~ "Documentary Evidence" means information or records that can be relied on to prove the
6 client's statements of fact.

7 ~~(31)~~~~(32)~~ "Effective Date" means the date on which an action will take effect.

8 ~~(32)~~~~(33)~~ "Equity" means the tax value of a resource less the amount of debts, liens, or other encumbrances.

9 ~~(33)~~~~(34)~~ "Excluded Income" means money received by a member of the budget unit that is not counted
10 in determining eligibility for assistance.

11 ~~(34)~~~~(35)~~ "Foster Care Resource" means any private home or facility licensed to provide full time care to
12 children.

13 ~~(35)~~~~(36)~~ "Fraud" means an act in which a client makes false statements or withholds information
14 willfully and knowingly with the intent to deceive, or both, and as a result obtains assistance for
15 which he is not eligible.

16 ~~(36)~~~~(37)~~ "Full-Time Student" means a student so designated by the school in which he is enrolled.

17 ~~(37)~~~~(38)~~ "Good Cause" includes death, incapacity, hospitalization of the applicant/recipient (a/r), failure
18 to receive written notice, or failure of a representative acting on the a/r's behalf to meet required
19 timeframes.

20 ~~(38)~~~~(39)~~ "Grandfathered Status" means Medicaid eligibility based on the individual's status as a blind or
21 disabled client or as an essential spouse of aged, blind, or disabled client in December, 1973.

22 ~~(39)~~~~(40)~~ "Greater Weight of Evidence" means evidence of such quality as to persuade an ordinary and
23 prudent person of the truth or falsity of a statement.

24 ~~(40)~~~~(41)~~ "Guardian" means an individual, corporation, or disinterested public agent appointed by the
25 clerk of superior court to replace an individual's authority to make decisions about his person,
26 family, or property when the individual does not have adequate capacity to make such decisions
27 and has
28 been adjudicated incompetent. A guardian may be a guardian of the person, a guardian of the
29 estate, or a general guardian which is guardian of both the person and the estate.

30 ~~(41)~~~~(42)~~ "HCT (Healthy Children and Teens)" means a program which provides health screenings and
31 treatment for clients from birth through age 20.

32 ~~(42)~~~~(43)~~ "Incapacity" has the same meaning as in the North Carolina State plan approved under Part A of
33 Title IV of the Social Security Act as in effect on July 16, 1996, as is required by 42 U.S.C.
34 1396u-1.

35 ~~(43)~~~~(44)~~ "Income" means money that is available to members of the budget unit for their needs.

36 ~~(44)~~~~(45)~~ "Income, Earned" means money received as a result of employment.

37 ~~(45)~~~~(46)~~ "Income, Gross" means total income before allowable deductions.

- 1 ~~(46)~~(47) "Income, Net" means income after all allowable deductions.
- 2 ~~(47)~~(48) "Income, Unearned" means money received from any source other than employment.
- 3 ~~(48)~~(49) "Incompetent Adult" means an adult who lacks sufficient capacity to manage his own affairs or
- 4 to make or communicate decisions concerning his person, family, or property whether such lack
- 5 of capacity is due to mental illness, mental retardation, epilepsy, cerebral palsy, autism, senility,
- 6 disease, injury, or similar cause or condition.
- 7 ~~(49)~~(50) "Inmate of a Public Institution" means a person who lives in an institution that is the
- 8 responsibility of a governmental unit or over which a governmental unit exercises
- 9 administrative control and that provides treatment or services, food and shelter.
- 10 ~~(50)~~(51) "Institutionalized Spouse" means an individual who:
- 11 (a) is in a medical institution or nursing facility or who is described under 42 U.S.C. 1396a
- 12 (a)(10)(A)(ii)(VI); and
- 13 (b) is married to an individual who is not in a medical institution or nursing facility; but
- 14 does not include any such individual who is not likely to meet the requirements of
- 15 ~~Subitem (51)(a)~~ Sub-item (a) of this Item for at least 30 consecutive days.
- 16 ~~(51)~~(52) "Life Estate Interest" means the right to use property and receive income from the property for
- 17 the remainder of one's life.
- 18 ~~(52)~~(53) "Long-Term Care" means care in:
- 19 (a) general or specialty hospital in excess of 30 continuous days;
- 20 (b) a state mental hospital;
- 21 (c) a skilled nursing facility; or
- 22 (d) ~~(e)~~ an intermediate care facility.
- 23 ~~(53)~~(54) "Patient Monthly Liability" means the amount of a long-term care patient's income that must
- 24 be paid towards his cost of care.
- 25 ~~(54)~~(55) "Remainder Interest" means ownership interest in property that will be inherited in full or
- 26 jointly with other remainder interest holders at a life interest holder's death.
- 27 ~~(55)~~(56) "Representative" means a person who is authorized by the client to act on behalf of the client.
- 28 ~~(56)~~(57) "Reserve" means assets owned by members of the budget unit and that have a market value.
- 29 ~~(57)~~(58) "Residence" means the county where a client lives with intent to remain for an indefinite time
- 30 as governed by 10A NCAC 23E .0103. Also, an individual under age 21 has the residence of the
- 31 person with whom he resides unless he is in the custody of a social services agency, in which
- 32 case he is a resident of the county of the custodial agency.
- 33 ~~(58)~~(59) "Revocable Trust" means funds held in trust that are available for the client's use.
- 34 ~~(59)~~(60) "RSDI (Retirement, Survivors, Disability Insurance)" means social security benefits.
- 35 ~~(60)~~(61) "SDX" means State Data Exchange with the Social Security Administration for the purpose of
- 36 providing a listing of all persons receiving supplemental security income, their current payment
- 37 status and amount of SSI and other sources of income.

- 1 ~~(61)(62)~~ "SSI" means Supplemental Security Income, a federal assistance payment for aged, blind and
2 disabled persons administered by the Social Security Administration.
- 3 ~~(62)(63)~~ "Stepparent" means that a person is not the parent of a child but the person is married to the
4 parentof the child who wants to receive Medicaid.
- 5 ~~(63)(64)~~ "Timely Notice" means the same as "Advance Notice".
- 6 ~~(64)(65)~~ "Time Standard" means the requirement to process an application within 45 or 90 days from the
7 date of application in accordance with 42 C.F.R. 435.911.
- 8 ~~(65)(66)~~ "Verification" means the confirmation of facts and information used in determining eligibility.

9

10 *History Note: Authority G.S. 108A-25(b); 108A-54; P.L. 99-509; P.L. 100-360; P.L. 100-485; 42 C.F.R.*
11 *431.211;*
12 *42 C.F.R. 431.214; Alexander v. Bruton, U.S.D.C., File No. C-C-74-183-M, Consent Order*
13 *dismissed effective February 1, 2002;*
14 *Eff. September 1, 1984;*
15 *Amended Eff. August 1, 1990;*
16 *Temporary Amendment Eff. March 1, 2003;*
17 *Amended Eff. August 1, 2004;*
18 *Transferred from 10A NCAC 21A .0201 Eff. May 1, 2012;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July*
20 *23,2016;*
21 *Amended Eff. May 1, 2022 ~~March 1, 2022~~; March 1, 2020.*
22
23

Burgos, Alexander N

Subject: FW: [External] Opposition to DHB's Proposed Rule Change

From: Matthew Cochran <mjc@ocrlaw.com>

Sent: Tuesday, April 19, 2022 10:30 AM

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

Subject: [External] Opposition to DHB's Proposed Rule Change

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Mr. Duke,

On behalf of North Carolina's Medicaid applicants and recipients, I plan to speak this Thursday in opposition to NCDHHS's [proposed repeal of the "caretaker relative" definition](#). My remarks will include (among other things within the ambit of N.C.G.S. 150B-21.9) elements of the [public comments](#) we provided to the Division of Health Benefits.

Please do not hesitate to contact me if necessary. Thank you.

Sincerely,
Matthew

Matthew Jordan Cochran | [Ott Cone & Redpath, P.A.](#) | 445 Dolley Madison Rd., Ste 306 | P.O. Box 160 (27402)
| Greensboro, N.C. 27410 | Direct: 828-318-8608 | Fax: 828-318-8602 | *Not the intended recipient? Click here.*

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Burgos, Alexander N

From: Cramer, Jill
Sent: Thursday, April 14, 2022 1:11 PM
To: Duke, Lawrence
Cc: Burgos, Alexander N
Subject: RE: RRC Rule Submissions for April

OK

I will submit all three rules with the complete technical amendments shortly.
Thank you.

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
Main Legal Affairs: 919-707-7713

Mailing Address:

1101 Mail Service Center
Raleigh, NC 27699-1101
jill.cramer@labor.nc.gov

Please visit our website at www.labor.nc.gov

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From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Thursday, April 14, 2022 1:07 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Rule Submissions for April

Jill,

I had an opportunity to review and it looks good. I'm comfortable recommending approval for the updated version. Thank you for taking the time to make these changes to get the rule in line with statute. It is much appreciated.

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings

(984) 236-1938

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Thursday, April 14, 2022 10:44 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Subject: RE: RRC Rule Submissions for April

Lawrence

I am just circling back to see if you have any comments on the proposed technical revisions.
Thank you.

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
Main Legal Affairs: 919-707-7713

Mailing Address:
1101 Mail Service Center
Raleigh, NC 27699-1101
jill.cramer@labor.nc.gov

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From: Cramer, Jill
Sent: Wednesday, April 13, 2022 6:27 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Subject: RE: RRC Rule Submissions for April

For review.

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
Main Legal Affairs: 919-707-7713

Mailing Address:

1101 Mail Service Center
Raleigh, NC 27699-1101
jill.cramer@labor.nc.gov

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From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, April 5, 2022 1:28 PM
To: Cramer, Jill <jill.cramer@labor.nc.gov>
Cc: Rose, Carla <carla.rose@labor.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Rule Submissions for April

Ms. Cramer,

It appears that we are going to be working together again this month on the Department of Labor's Rules. I have reviewed the Rules submitted by the Department 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. It will again 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 p.m. on Thursday, April 14, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

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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1 13 NCAC 01B .0101, as published in 36:13 NCR 1102-1103 with changes, is proposed for amendment as follows:

2
3 **SUBCHAPTER 01B - RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES**

4
5 **SECTION .0100 - PETITIONS FOR RULES RULE-MAKING**

6
7 **13 NCAC 01B .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING HEARINGS**

8 Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Commissioner
9 of Labor shall submit the petition in writing to: Rule-making Coordinator, N.C. Department of Labor, 1101 Mail
10 Service Center, Raleigh, North Carolina 27699-1101. The exterior of the envelope or container of the petition shall
11 clearly bear the notation: RULE MAKING PETITION.

12 (a) Any person may petition the Commissioner of Labor [Department] to adopt a new permanent rule, or amend
13 or repeal an existing permanent rule by submitting a rule-making petition to the Rulemaking Coordinator,
14 N.C. Department of Labor, [at] 1101 Mail Service Center, Raleigh, NC 27699-1101.

15 (b) The petition shall be titled "Petition for Rule-making" and shall include the following information:

16 (1) the name and address of the person submitting the petition;

17 (2) a citation to any rule for which an amendment or repeal is requested;

18 (3) the text of any proposed rule or amended rule; and

19 (4) a statement of the effect of the requested rule change on the Department of Labor to include the
20 effect on those over whom the agency has jurisdiction. [an explanation of why the new rule or
21 amendment, or repeal of an existing rule is requested and the effect of the new rule, amendment, or
22 repeal on the Department];

23 [(5) the statutory authority for the agency to promulgate the rule(s);

24 (6) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including
25 cost factors for persons affected by the proposed rule(s);

26 (7) a statement explaining the computation of the cost factors;

27 (8) a description, including the entities, if known, of those most likely to be affected by the proposed
28 rule(s);

29 (9) documents and data supporting the proposed rule(s); and

30 (10) any other information the person submitting the petition considers relevant.]

31 (c) The petition may include the following to provide clarifying information to the Commissioner of Labor:

32 (1) documents or data supporting the petition;

33 (2) a statement of the reasons for adoption of the proposed rule(s), amendment, or repeal of an existing
34 rule(s), to include why the proposed rule(s) or amendment is requested;

35 (3) a statement explaining the costs and computation of the cost factors, if known;

36 (4) a description, including named entities, if known, of those most likely to be affected by the proposed
37 rule(s);

1 (5) the statutory authority for the agency to promulgate the rule(s); and

2 (6) any other information the person submitting the petition considers relevant.

3 ~~[(b)](d)~~ The Commissioner of Labor ~~[Department]~~ shall ~~[decide whether to]~~ grant or deny a petition for rule-making
4 within ~~[120]~~ 30 days of the date the rule-making petition is received by the agency. ~~[receiving the petition.]~~ In making
5 the decision, the Commissioner of Labor ~~[Department]~~ shall consider the information submitted with the petition and
6 any other relevant information.

7 ~~[(e)](e)~~ In ~~[it's]~~ the review of the proposed permanent rule, the Commissioner of Labor ~~[Department]~~ shall consider
8 whether~~[#]~~ the Department has authority to adopt the rule; the effect of the proposed rule on existing rules, programs,
9 and practices; probable costs and cost factors of the proposed rule; and the impact of the rule on the public and
10 regulated entities.

11 ~~[(d)](f)~~ When the Commissioner of Labor ~~[Department]~~ denies a petition for rule-making, a written notice of the denial
12 shall be sent to the person who submitted the request. The notice shall state the reason for the denial.

13 ~~[(e)](g)~~ When the Commissioner of Labor ~~[Department]~~ grants a rulemaking petition, the Rulemaking Coordinator
14 ~~[Department]~~ shall initiate permanent rule-making proceedings and send written notice of the proceedings to the
15 person who submitted the request.

16 ~~[(f)] Filings that do not contain the information required by this Rule shall not be accepted and shall be returned by the~~
17 ~~Department to the person making the filing.]~~

18
19 History Note: Authority G.S. 95-4(2); 150B-20;

20 Eff. February 1, 1976;

21 Readopted Eff. September 30, 1977;

22 Amended Eff. April 1, 2001; July 1, 1988; December 1, 1985;

23 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
24 2018;

25 Amended Eff. January 1, 2020.

26 Amended Eff. May 1, 2022.
27
28

1 13 NCAC 01B .0102, as published in 36:13 NCR 1102-1103 with changes, is proposed for amendment as follows:

2
3 **13 NCAC 01B .0102 CONTENTS OF PETITION MAILING LIST**

4 The petition shall include the following:

- 5 (1) ~~an indication of the subject area to which the petition is directed and, if known, the number of the~~
6 ~~North Carolina Administrative Code provision for which an amendment is proposed or the section~~
7 ~~of the North Carolina Administrative Code to which the new proposed rule is proposed to be added;~~
8 (2) ~~a printed copy of the text of the proposed amendment or rule and a computer disk containing the~~
9 ~~proposed text in WordPerfect7 or MSWORD7 or other word processing program convertible to~~
10 ~~WordPerfect or MSWORD. The requirement for a computer disk shall be waived upon a showing~~
11 ~~of lack of access to such a word processing program;~~
12 (3) ~~reasons for the proposal;~~
13 (4) ~~the effect of the proposed amendment or rule including:~~
14 ~~(a) the effect on existing rules;~~
15 ~~(b) the effect on local government, if any, as described in G.S. 150B-21(c) and 150B-21.4(b);~~
16 ~~(c) whether the proposed amendment or rule would have a substantial economic impact as~~
17 ~~defined in G.S. 150B-21.4(b1) and an estimation of such impact and how the estimate was~~
18 ~~derived; and~~
19 ~~(d) the primary types of employees, businesses or other entities on which there would be an~~
20 ~~effect;~~
21 (5) ~~any supporting data or other materials such as examples and research; and~~
22 (6) ~~names, telephone and facsimile numbers and address(es) including e-mail address(es) of the~~
23 ~~petitioner(s). If petitioner(s) represent organizations or entities, the name(s) and addresses of the~~
24 ~~represented organizations shall also be provided.~~

25 (a) Any person or agency desiring to be placed on the mailing list for the Department's rule-making notices issued
26 pursuant to ~~[G.S. 150B-21.2]~~ G.S. 150B 21.2(d) may file a request in writing to the Commissioner of the Department
27 at 1101 Mail Service Center Raleigh, NC 27699-1101.

28 (b) The request shall:

- 29 (1) include the person's name and address;
30 (2) specify the subject areas within the authority of the Department for which notice is requested; and
31 (3) state the calendar year(s) for which the notice is desired.

32
33 *History Note:* Authority G.S. 95-4(2); ~~150B-16;~~ 150B-21.2;

34 *Eff. February 1, 1976;*

35 *Readopted Eff. September 30, 1977;*

36 *Amended Eff. April 1, 2001;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
2 *2018.*
3 *Amended Eff. May 1, 2022.*
4

1 13 NCAC 01B .0103, as published in 36:13 NCR 1102-1103, is proposed for repeal as follows:

2
3 **13 NCAC 01B .0103 DISPOSITION OF PETITIONS**

4
5 *History Note: Authority G.S. 95-4(2); 150B-16;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 30, 1977;*

8 *Amended Eff. April 1, 2001;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
10 *2018.*

11 *Repealed Eff. May 1, 2022.*
12

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Labor

RULE CITATION: All rules submitted

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:

Please edit the introductory statement prefacing each Rule so that each includes the correct NC Register citation: "as published in XX:XX NCR XX-XX".

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 5, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 01B .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:

A proposed rule that addresses Rule-Making must comply with G.S. 150B-20. Some examples of this are 21 NCAC 06B .0101 or 10A NCAC 14A .0101. To comply with the statute, petitions for adoptions and amendments can only require the proposed text of the Rule and a Statement of Effect, and may achieve this with a “shall” standard (i.e., .0101(a)(1) – (4)). Other information can be requested, but can only do so with a “may” standard (i.e., .0101(a)(5) – (10)). Please reconsider the structuring of .0101(a) so that it complies with statute.

In Paragraph (b), “decide whether to” and “receiving the petition” have been both struck and underlined. Please change to either strike or underline, not both.

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 5, 2022

1 13 NCAC 01B .0101 is proposed for amendment as follows:

2
3 **SUBCHAPTER 01B - RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES**

4
5 **SECTION .0100 - ~~PETITIONS FOR RULES~~ RULE-MAKING**

6
7 **13 NCAC 01B .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING HEARINGS**

8 ~~Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Commissioner~~
9 ~~of Labor shall submit the petition in writing to: Rule making Coordinator, N.C. Department of Labor, 1101 Mail~~
10 ~~Service Center, Raleigh, North Carolina 27699-1101. The exterior of the envelope or container of the petition shall~~
11 ~~clearly bear the notation: RULE MAKING PETITION.~~

12 (a) Any person may petition the Department to adopt a new permanent rule, or amend or repeal an existing permanent
13 rule by submitting a rule-making petition to the Department at 1101 Mail Service Center, Raleigh, NC 27699-1101.
14 The petition shall be titled "Petition for Rule-making" and shall include the following information:

- 15 (1) the name and address of the person submitting the petition;
16 (2) a citation to any rule for which an amendment or repeal is requested;
17 (3) the text of any proposed rule or amended rule;
18 (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the
19 effect of the new rule, amendment, or repeal on the Department;
20 (5) the statutory authority for the agency to promulgate the rule(s);
21 (6) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including
22 cost factors for persons affected by the proposed rule(s);
23 (7) a statement explaining the computation of the cost factors;
24 (8) a description, including the entities, if known, of those most likely to be affected by the proposed
25 rule(s);
26 (9) documents and data supporting the proposed rule(s); and
27 (10) any other information the person submitting the petition considers relevant.

28 (b) The Department shall ~~decide whether to~~ grant or deny a petition for rule-making within ~~120~~ 30 days of the date
29 the rule-making petition is received by the agency. ~~receiving the petition.~~ In making the decision, the Department
30 shall consider the information submitted with the petition and any other relevant information.

31 (c) In its review of the proposed permanent rule, the Department shall consider whether it has authority to adopt the
32 rule; the effect of the proposed rule on existing rules, programs, and practices; probable costs and cost factors of the
33 proposed rule; and the impact of the rule on the public and regulated entities.

34 (d) When the Department denies a petition for rule-making, a written notice of the denial shall be sent to the person
35 who submitted the request. The notice shall state the reason for the denial.

36 (e) When the Department grants a rulemaking petition, the Department shall initiate permanent rule-making
37 proceedings and send written notice of the proceedings to the person who submitted the request.

1 [(f) Filings that do not contain the information required by this Rule shall not be accepted and shall be returned by the
2 Department to the person making the filing.]

3
4 *History Note:* Authority G.S. 95-4(2); 150B-20;
5 Eff. February 1, 1976;
6 Readopted Eff. September 30, 1977;
7 Amended Eff. April 1, 2001; July 1, 1988; December 1, 1985;
8 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,
9 2018;
10 Amended Eff. January 1, 2020.
11 Amended Eff. May 1, 2022.
12
13

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 01B .0102

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 add "(d)" to the statutory citation for greater specificity. It should read: "G.S. 150B-21.2(d)"

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 5, 2022

1 13 NCAC 01B .0102 is proposed for amendment as follows:

2
3 **13 NCAC 01B .0102 CONTENTS OF PETITION MAILING LIST**

4 The petition shall include the following:

- 5 (1) ~~an indication of the subject area to which the petition is directed and, if known, the number of the~~
6 ~~North Carolina Administrative Code provision for which an amendment is proposed or the section~~
7 ~~of the North Carolina Administrative Code to which the new proposed rule is proposed to be added;~~
8 (2) ~~a printed copy of the text of the proposed amendment or rule and a computer disk containing the~~
9 ~~proposed text in WordPerfect7 or MSWORD7 or other word processing program convertible to~~
10 ~~WordPerfect or MSWORD. The requirement for a computer disk shall be waived upon a showing~~
11 ~~of lack of access to such a word processing program;~~
12 (3) ~~reasons for the proposal;~~
13 (4) ~~the effect of the proposed amendment or rule including:~~
14 (a) ~~the effect on existing rules;~~
15 (b) ~~the effect on local government, if any, as described in G.S. 150B-21(c) and 150B-21.4(b);~~
16 (c) ~~whether the proposed amendment or rule would have a substantial economic impact as~~
17 ~~defined in G.S. 150B-21.4(b1) and an estimation of such impact and how the estimate was~~
18 ~~derived; and~~
19 (d) ~~the primary types of employees, businesses or other entities on which there would be an~~
20 ~~effect;~~
21 (5) ~~any supporting data or other materials such as examples and research; and~~
22 (6) ~~names, telephone and facsimile numbers and address(es) including e-mail address(es) of the~~
23 ~~petitioner(s). If petitioner(s) represent organizations or entities, the name(s) and addresses of the~~
24 ~~represented organizations shall also be provided.~~

25 (a) Any person or agency desiring to be placed on the mailing list for the Department's rule-making notices issued
26 pursuant to G.S. 150B-21.2 may file a request in writing to the Commissioner of the Department at 1101 Mail Service
27 Center Raleigh, NC 27699-1101.

28 (b) The request shall:

- 29 (1) include the person's name and address;
30 (2) specify the subject areas within the authority of the Department for which notice is requested; and
31 (3) state the calendar year(s) for which the notice is desired.

32
33 *History Note:* Authority G.S. 95-4(2); **150B-16;** **150B-21.2;**

34 Eff. February 1, 1976;

35 Readopted Eff. September 30, 1977;

36 Amended Eff. April 1, 2001;

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
2 *2018.*
3 *Amended Eff. May 1, 2022.*
4

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Labor

RULE CITATION: 13 NCAC 01B .0103

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:

When proposing repeal of a Rule, the formatting of the Rule must comply with 26 NCAC 02C .0108(6)(a)(iii), which states that the "text of the rule shall not be included".

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 5, 2022

1 13 NCAC 01B .0103 is proposed for repeal as follows:

2
3 **13 NCAC 01B .0103 DISPOSITION OF PETITIONS**

4 ~~(a) The rule making coordinator designated under G.S. 150B-21 or the commissioner's designee shall review the~~
5 ~~request. If the requirements of 13 NCAC 01B .0102 regarding the contents of the petition are not met, the petition~~
6 ~~shall not be accepted and shall be returned to the petitioner(s) with the deficiencies noted. Additional information may~~
7 ~~be requested from the petitioner(s).~~

8 ~~(b) Complete petition(s) and accompanying materials shall be reviewed to determine whether the petition(s) will be~~
9 ~~granted or denied. Review of a petition may include additional information gathered by the department. Petitioner(s)~~
10 ~~shall be notified of the decision of the department in accordance with G.S. 150B-20.~~

11
12 *History Note: Authority G.S. 95-4(2); 150B-16;*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. September 30, 1977;*

15 *Amended Eff. April 1, 2001;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*
17 *2018.*

18 *Repealed Eff. May 1, 2022.*
19

Burgos, Alexander N

Subject: FW: RRC Rule Submission

From: Reagan, Walker <Walker.Reagan@abc.nc.gov>
Sent: Tuesday, April 5, 2022 11:45 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>; Metz, Renee <renee.metz@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Rule Submission

Welcome aboard.

Thanks for the update. I am assuming that you will be recommended this rule for adoption. I will plan to attend on WebEx if I am needed to answer any questions. I do not expect anyone else from the Commission will be attending on this rule. Please let me know if you need anything further from me.

From: Duke, Lawrence
Sent: Tuesday, April 5, 2022 11:18 AM
To: Reagan, Walker <Walker.Reagan@abc.nc.gov>; Metz, Renee <renee.metz@abc.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Rule Submission

Good morning,

I'm the attorney who reviewed the Rules submitted by the Alcoholic Beverage Control 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 evite 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 evites out to them as well.

After reviewing your rules, I have found that no revisions are necessary. 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

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

1 14B NCAC 15C .0307 is amended as published in 36:13 NCR 1103 as follows:

2
3 **14B NCAC 15C .0307 GROWLERS**

4 (a) As used in this Section, a "growler" is a rigid glass, ceramic, plastic, aluminum, or stainless steel container with a
5 closure or cap with a secure sealing that is no larger than ~~2 liters (0.5283 gallons)~~ 4 liters (1.0567 gallons) into which
6 a malt beverage or unfortified wine is prefilled, filled, or refilled for off-premises consumption.

7 (b) Malt beverages may be sold in growlers as follows:

8 (1) Holders of only a brewery permit may sell, deliver, and ship growlers prefilled with the brewery's
9 malt beverage for off-premises consumption provided a label is affixed to the growler that provides
10 the information as required by Rules .0303(a) and .0305 of this Section.

11 (2) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), or (16) who do not hold a brewery
12 permit shall not prefill growlers with malt beverage.

13 (3) Holders of a brewery permit who also have retail permits pursuant to G.S. 18B-1001(1) may fill or
14 refill growlers on demand with the brewery's malt beverage for off-premises consumption, provided
15 the label as required by Rules .0303(b) and (c) and .0305 of this Section is affixed to the growler.

16 (4) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), or (16) may fill or refill growlers on
17 demand with draft malt beverage for off-premises consumption, provided the label as required by
18 Rules .0303(b) and (c) and .0305 of this Section is affixed to the growler.

19 (c) Unfortified wine may be sold in growlers as follows:

20 (1) Holders of only an unfortified winery permit may sell, deliver, and ship growlers prefilled with the
21 winery's unfortified wine for off-premises consumption provided a label is affixed to the growler
22 that provides the information as required by Rules .0304(a), (b), and (c), and .0305 of this Section.

23 (2) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), or (16) who do not hold an unfortified
24 winery permit shall not prefill growlers with unfortified wine.

25 (3) Holders of an unfortified winery permit who also have retail permits pursuant to G.S. 18B-1001(3)
26 may fill or refill growlers on demand with the winery's unfortified wine for off-premises
27 consumption, provided the label as required by Rules .0304(d) and (e) and .0305 of this Section is
28 affixed to the growler.

29 (4) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), or (16) may fill or refill growlers on
30 demand with unfortified wine for off-premises consumption, provided the label as required by Rules
31 .0304(d) and (e) and .0305 of this Section is affixed to the growler.

32 (d) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), or (16) shall affix a label as required by Rules
33 .0303(b) and (c), .0304(d) and (e), and .0305 of this Section to the growler when filling or refilling a growler.

34 (e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), or (16), may, in their discretion, refuse to fill
35 or refill a growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

36
37 *History Note: Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001;*

1 *Eff. April 1, 2011;*
2 *Temporary Amendment Eff. October 25, 2013;*
3 *Amended Eff. September 1, 2014;*
4 *Transferred and Recodified from 04 NCAC 02T .0308 Eff. August 1, 2015;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
6 *2017;*
7 *Temporary Amendment Eff. November 28, 2017;*
8 *Amended Eff. May 1, 2022; August 1, 2018.*

Burgos, Alexander N

Subject: FW: DEQ Rule (01C) Submissions - RRC

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Wednesday, April 13, 2022 2:14 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: DEQ Rule (01C) Submissions - RRC

Hi Lawrence,

We are kindly requesting an extension for the period of review for 15A NCAC 01C. This extension will allow additional time for staff to address your technical change requests.

Thank you!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Burgos, Alexander N

From: Everett, Jennifer
Sent: Thursday, April 14, 2022 2:19 PM
To: Duke, Lawrence
Cc: Burgos, Alexander N
Subject: RE: DEQ Rule (01C) Submissions - RRC

Thank you, and have a nice weekend too!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Thursday, April 14, 2022 1:40 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: DEQ Rule (01C) Submissions - RRC

Jennifer,

Thank you for this request. I will recommend that the RRC grant this extension for your reason stated below.

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

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Wednesday, April 13, 2022 2:14 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: DEQ Rule (01C) Submissions - RRC

Hi Lawrence,

We are kindly requesting an extension for the period of review for 15A NCAC 01C. This extension will allow additional time for staff to address your technical change requests.

Thank you!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Friday, April 8, 2022 5:06 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: DEQ Rule Submissions - RRC

Jennifer,

I have reviewed the Rules submitted by the Dept. of Environmental Quality 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

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

1 15A NCAC 01C .0101 is readopted as published in 36:08 NCR 584 as follows:

2
3 **SECTION ~~.0101~~ .0100 – GENERAL PROVISIONS**
4

5 **15A NCAC 01C .0101 STATEMENT OF PURPOSE, POLICY, AND SCOPE**

6 (a) The purpose of the rules in this Subchapter is to establish procedures within the Department of ~~Environment and~~
7 ~~Natural Resources (DENR)~~ Environmental Quality (DEQ) ~~for conforming with~~ related to the North Carolina
8 Environmental Policy Act (NCEPA).

9 ~~(b) Rules for implementation of the NCEPA (01 NCAC 25) are hereby incorporated by including subsequent~~
10 ~~amendments and editions. Copies of these Rules can be obtained from the Department of Administration, State~~
11 ~~Clearinghouse, 1302 Mail Service Center, Raleigh, NC 27699 1302.~~

12 ~~(c)~~ (b) Environmental documents shall be available to public officials and citizens before decisions are made and before
13 actions are taken. The information shall be reliable and sufficient to allow selection among alternatives.

14 ~~(d)~~ (c) The Secretary is the "responsible state official" for ~~DENR~~ DEQ. The Secretary may delegate responsibility for
15 the implementation of the NCEPA to staff.

16 ~~(e)~~ (d) The provisions of the rules in this Subchapter, the ~~state~~ Department of Administration's rules (01 NCAC 25), and
17 the NCEPA shall be read together as a whole in order to comply with the spirit and letter of the law.

18 ~~(f)~~ (e) These ~~Rules~~ rules establish minimum criteria to determine when preparation of an environmental document is not
19 required when DEQ is the state project agency. ~~the procedures for determining whether an environmental document is~~
20 ~~required when DENR is the State Project Agency.~~

21
22 *History Note: Authority G.S. 113A-2; 113A-6; 113A-9; 143B-10;*
23 *Eff. August 1, 1989;*
24 *Transferred from T15.01D .0201 Eff. November 1, 1989;*
25 *Amended Eff. April 1, 2003; August 1, 1996; March 1, 1990;*
26 *Readopted Eff. May 1, 2022.*
27

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0103

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:

Please add oxford commas to each of the following Items:

- (1) – Lines 11 and 12*
- (4) – Line 19*
- (6) – Lines 25, 26, and 28*
- (7) – Lines 31 (three instances) and 34*
- (9) – Line 7*
- (16) – Line 37*
- (18) – Line 5 (“air, ~~and~~ water, and other natural systems”)*
- (22) – Lines 14 and 17*

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

1 15A NCAC 01C .0103 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0103 DEFINITIONS**

4 The definition of any word or phrase used in rules of this Subchapter is the same as given in G.S. ~~443A-9~~ 113A-9, and in
5 ~~1 NCAC 25, including subsequent amendments and editions.~~ The following words and phrases have the following
6 meaning.

7 ~~(1)~~ (1) "Agency" means the Divisions and Offices of DENR, as well as the boards, commissions, committees,
8 and councils of DENR having decision-making authority and adopting these rules by reference; except
9 where the context clearly indicates otherwise.

10 ~~(2)~~ (1) "Channel Disturbance" means activities that permanently remove or degrade the natural functions of
11 the stream such as culverting, relocation, channelization or streambank stabilization methods
12 including gabions, rip rap or similar hard structures.

13 ~~(3)~~ (2) "Cumulative Impacts" ~~mean~~ means environmental impacts resulting from incremental effects of an
14 activity when added to other past, present, and reasonably foreseeable future activities regardless of
15 what entities undertake such other actions. Cumulative impacts are the reasonably foreseeable
16 impacts from individually minor but collectively significant activities.

17 ~~(4)~~ (3) "Direct Impacts" mean environmental impacts which are caused by an activity and occurring at the
18 same time and place.

19 ~~(5)~~ (4) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste
20 into or on any land or water so that the waste or any constituent part of the waste may enter the
21 environment or be emitted into the air or discharged into any waters, including groundwaters, or
22 beneath or on the surface of the land.

23 ~~(6)~~ (5) "Ecosystem" means all the interrelated organisms and their environment within a defined area.

24 ~~(7)~~ (6) "Forestry Management Plan" means a document that guides the practical and sustainable application
25 of biological, physical, quantitative, managerial, economic, social and policy principles to the
26 regeneration, management, utilization and conservation of forests to meet specified goals and
27 objectives while maintaining the productivity of the forest. Forest management includes management
28 for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products and other
29 forest resource values.

30 ~~(8)~~ (7) "Hazardous Waste" means a waste, or combination of wastes, in any state or form including gas,
31 liquid or solid, that because of its quantity, concentration or physical, chemical or infectious
32 characteristics may cause or contribute to an increase in mortality or an increase in irreversible or
33 incapacitating reversible illness, or pose a present or potential hazard to human health or the
34 environment when improperly treated, stored, transported, disposed of or otherwise managed.

35 ~~(9)~~ (8) "High Quality Waters (HQW)" has the same meaning as in 15A NCAC 02B .0224. ~~means a subset of~~
36 ~~waters with quality higher than the existing classification standards. These include those rated as~~
37 ~~excellent based on biological and physical/chemical characteristics through Division of Water Quality~~

monitoring or special studies; native and special native trout waters (and their tributaries) designated by the Wildlife Resources Commission; primary nursery areas (PNA) designated by the Marine Fisheries Commission and other functional nursery areas designated by the Marine Fisheries Commission; all water supply watersheds which are either classified as WS I or WS II or those for which a formal petition for reclassification as WS I or WS II has been received from the appropriate local government and accepted by the Division of Water Quality; and all Class SA waters.

~~(10)~~ (9) "Inlet" means a waterway between islands connecting a lagoon, estuary, sound or similar water body with the ocean.

~~(11)~~ (10) "Instream Flow" means the amount of water needed in a stream to adequately provide for downstream uses occurring within the stream channel, including some or all of the following: aquatic habitat, recreation, wetlands maintenance, navigation, hydropower, riparian vegetation, and water quality.

~~(12)~~ (11) "Land-Disturbing Activity" ~~has the same meaning as in G.S. 113A-52. means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.~~

~~(13)~~ "Lead Agency" means the agency or agencies preparing or having taken primary responsibility for preparing an environmental document. The lead agency is a sub-agency of the state project agency.

~~(14)~~ "Non State Entity" means local governments, special purpose units of government, contractors, and individuals or corporations to whom NCEPA may apply.

(12) "Lead Division" means the division within DEQ that has been appointed by the Secretary, pursuant to 15A NCAC 01C .0105, to have primary responsibility for preparation of an environmental document when DEQ is the state project agency.

~~(15)~~ (13) "Perennial Stream" means a channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

~~(16)~~ (14) "Prime agricultural and forest land" means lands ~~which~~ that possess the best combination of physical and chemical characteristics for producing food, feed, fiber (including forest products), forage, oilseed, and other agricultural products (including livestock), without intolerable soil erosion. This does not apply to lands ~~which~~ that are already in or committed to development projects such as water impoundment, transportation, and urban development.

~~(17)~~ (15) "Reclaimed Water Utilization" ~~means the use of reclaimed water that meets the criteria provided in 15A NCAC 02H .0219(k) for beneficial uses in lieu of water from other sources.~~ "Reclaimed Water" has the same meaning as in 15A NCAC 02U .0103.

~~(18)~~ (16) "Resource" means any natural product or value, not necessarily economic, but including trees, minerals, wildlife, clean air and water, fisheries, ecosystems, landscapes and open space.

1 ~~(19)~~ (17) "River Basin" means the watershed of a major river system.

2 ~~(20)~~ (18) "Secondary Impacts" mean indirect impacts caused by and resulting from a specific activity that
3 occur later in time or further removed in distance than direct impacts, but are reasonably foreseeable.
4 Indirect impacts may include growth inducing effects and other effects related to induced changes in
5 the pattern of land use, population density or growth rate, and related effects on air and water and
6 other natural systems, including ecosystems.

7 ~~(21)~~ (19) "Secretary" means the Secretary of ~~DENR~~. DEQ.

8 ~~(22)~~ (20) "State Project Agency" means the state department or council of state agency ~~which~~ that has been
9 designated pursuant to ~~4~~ 01 NCAC 25 .0210(a) for ensuring compliance with NCEPA.

10 ~~(23)~~ (21) "Stream Enhancement" means the process of implementing stream rehabilitation practices in order to
11 improve water quality or ecological function. These practices are typically conducted on the stream
12 bank or in the flood prone area. Enhancement activities may also include the placement of in-stream
13 habitat structures.

14 ~~(24)~~ (22) "Stream Restoration" means the process of converting an unstable, altered or degraded stream
15 corridor, including adjacent riparian zone and flood prone areas to its natural or referenced, stable
16 conditions considering recent and future watershed conditions. This process also includes restoring
17 the geomorphic dimension, pattern and profile as well as biological and chemical integrity, including
18 transport of water and sediment produced by the stream's watershed in order to achieve dynamic
19 equilibrium.

20 ~~(25)~~ (23) "Total Design Withdrawal" means the pumping rate at which water can be removed from the
21 contributing stream. It is the sum of any pre-existing withdrawal capacity plus any withdrawal
22 increase.

23 ~~(26)~~ (24) "Wetlands" ~~mean "wetlands" as defined~~ has the same meaning as in 15A NCAC 02B .0202.

24
25 *History Note:* Authority G.S. 113A-2; 113A-6; 113A-9; 143B-10;
26 Eff. April 1, 2003;
27 Readopted Eff. May 1, 2022.
28
29

1 15A NCAC 01C .0104 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0104 AGENCY COMPLIANCE**

4 (a) ~~Each DENR agency~~ DEQ shall interpret the provisions of the ~~NC EPA~~ NCEPA as a supplement to its existing
5 authority and as a mandate to view its policies and programs in the light of the ~~NC EPA's~~ NCEPA's comprehensive
6 environmental objectives. ~~objectives, except where existing law applicable to the DENR agency's DEQ's operations~~
7 ~~expressly prohibits compliance or makes compliance impossible.~~

8 (b) As part of making a decision on a project for which an environmental document has been prepared, ~~the DENR~~
9 ~~agency decision maker~~ DEQ shall review the document and incorporate it as part of continuing deliberations. The
10 resulting decision shall be made after weighing all of the impacts and mitigation measures presented in the
11 environmental document, which shall become part of the decision-making record.

12
13 *History Note: Authority G.S. 113A-2; 113A-5; 113A-6; 113A-10; 143B-10;*

14 *Eff. April 1, 2003;*

15 *Readopted Eff. May 1, 2022.*
16
17

1 15A NCAC 01C .0105 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0105 LEAD AND COOPERATING AGENCY DIVISIONS RESPONSIBILITY**

4 Where ~~DENR DEQ~~ is the ~~State Project Agency~~ state project agency and more than one of its divisions ~~DENR agency~~
5 must issue a permit or other authorization for the project requiring review under NCEPA, the Secretary shall appoint a
6 lead division ~~DENR agency~~ to be responsible for ~~issuance~~ preparation of the environmental document. The lead and
7 cooperating ~~DENR agencies'~~ divisions' responsibilities shall be established by the Secretary.

8
9 *History Note: Authority G.S. 113A-2; 113A-4; 113A-6; 113A-7; 143B-10;*

10 *Eff. April 1, 2003;*

11 *Readopted Eff. May 1, 2022.*

1 15A NCAC 01C .0106 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0106 SCOPING AND HEARINGS**

4 ~~DENR agencies~~ When DEQ is the state project agency, DEQ shall utilize scoping and hearing processes ~~in their NCEPA~~
5 ~~activities~~ to the extent appropriate to the complexity, potential for environmental effects, and level of expressed interest
6 associated with the proposed ~~activity~~ action. Scoping and hearing processes are public processes designed to determine
7 the types of environmental issues to be addressed in environmental documents. They are open processes intended to
8 obtain the view of other agencies and the public in order for state agencies to make informed decisions.

9
10 *History Note: Authority G.S. 113A-2; 113A-4; 113A-6; 143B-10;*
11 *Eff. April 1, 2003;*
12 *Readopted Eff. May 1, 2022.*
13
14

1 15A NCAC 01C .0107 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0107 LIMITATION ON ACTIONS DURING NCEPA PROCESS**

4 (a) ~~While work on an environmental document is in progress, no DENR agency shall undertake in the interim any action~~
5 ~~which might limit the choice among alternatives or otherwise prejudice the ultimate decision on the issue. A permit~~
6 ~~approval or other action to approve land disturbing activity or construction of part of the project or action, other than~~
7 ~~those actions necessary for gathering information needed to prepare the environmental document, limits the choice~~
8 ~~among alternatives and shall not be approved until the final environmental document for the action is published in the~~
9 ~~Environmental Bulletin pursuant to 01 NCAC 25 .0212 and adopted by the DENR agency through the procedures~~
10 ~~established by to the Department of Administration's Rules for administering NC EPA and this Subchapter of the~~
11 ~~Department's rules. If an environmental document is required under NCEPA, DEQ shall not undertake an action until~~
12 ~~the environmental document for that action is final.~~

13 (b) ~~If a DENR agency~~ DEQ is considering a proposed action for which an environmental document is to be or is being
14 ~~prepared, prepared under NCEPA, the DENR agency~~ DEQ shall promptly notify the initiating party applicant that the
15 ~~DENR agency~~ DEQ cannot take final action until the environmental ~~documentation~~ document is completed and available
16 for use as a decision-making tool. The notification shall be consistent with the statutory and regulatory requirements of
17 ~~the DENR agency~~ DEQ and may be in the form of a notification that the application is incomplete.

18 (c) ~~When a DENR agency a program within DEQ~~ DEQ decides that a proposed action, activity, for which ~~state~~ other DEQ
19 ~~actions are pending or have been taken, requires environmental documentation, then the DENR agency that program~~
20 ~~shall promptly notify all the other relevant DEQ programs~~ DENR action agencies of the decision. ~~When statutory and~~
21 ~~regulatory requirements prevent a DENR agency from suspending action, the DENR agency shall deny any action for~~
22 ~~which it determines an environmental document is necessary but not yet available as a decision-making tool.~~

23 (d) When statutory and regulatory requirements prevent DEQ from suspending action, DEQ shall deny any action for
24 which it determines an environmental document is required under NCEPA but not yet available as a decision-making
25 tool.

26
27
28 *History Note: Authority G.S. 113A-2; 113A-4; 113A-6; 113A-7; 143B-10;*
29 *Eff. April 1, 2003;*
30 *Readopted Eff. May 1, 2022.*
31
32

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0108

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), line 7, what qualifies as an “immediate” threat? Please define or establish criteria.

In Paragraph (b), what is “long-term environmental productivity” and by what criteria is this established? Also, what are “various circumstances”? Can this be clarified?

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

1 15A NCAC 01C .0108 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0108 EMERGENCIES**

4 (a) ~~Where emergency circumstances make it necessary to take an otherwise lawful action with potential environmental~~
5 ~~effects without observing the public review provisions of the NC EPA, the DENR agency taking the action shall notify~~
6 ~~the Secretary and limit actions to those necessary to control and mitigate for the immediate threat to the public health,~~
7 ~~safety, and welfare. If there is an immediate threat to public health, safety, and welfare, DEQ may take otherwise lawful~~
8 ~~actions with potential environmental effects without preparing an environmental document. In those emergency~~
9 ~~circumstances, DEQ shall limit actions to those necessary to control and mitigate for the immediate threat to the public~~
10 ~~health, safety, and welfare.~~

11 (b) ~~DENR agencies~~ DEQ may prepare and maintain environmental documents for repetitive emergency programs
12 affecting the public, to review the scope of involved activities, identify specific effects to be expected, and mitigation
13 measures that can be employed in various circumstances to assure protection of the public and long-term environmental
14 productivity.

15 (c) ~~The minimum criteria established pursuant to Section .0400 of this Subchapter or the review processes for~~
16 ~~environmental assessments or environmental impact statements set out in Rules 01 NCAC 25 .0506 and .0605, may be~~
17 ~~altered where an emergency makes it necessary to take action or control or mitigate any threat to the public health, safety~~
18 ~~and welfare caused by the emergency. Rule 01 NCAC 25 .1002 establishes the procedures to supplement the provisions~~
19 ~~of this Chapter in an emergency consistent with the policies of NC EPA.~~

20
21 *History Note: Authority G.S. 113A-4; 113A-6; 113A-7; 143B-10;*

22 *Eff. April 1, 2003;*

23 *Readopted Eff. May 1, 2022.*
24
25

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0109

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 (d), if any state action must comply with all applicable rules and statutes, is it necessary to have this requirement restated here?

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

1 15A NCAC 01C .0109 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0109 ~~NON-STATE INVOLVEMENT AND CONSULTANTS~~ PREPARATION OF**
4 **ENVIRONMENTAL DOCUMENTS**

5 ~~(a) If a lead DENR agency requires a non-state entity to submit environmental information for use by the DENR agency~~
6 ~~in preparing an environmental document for the non-state entity's activity, then the DENR agency shall assist by~~
7 ~~outlining the types of information requested. When DEQ is the state project agency, DEQ may request information from~~
8 ~~an applicant to prepare an environmental document. The DENR agency—DEQ shall independently evaluate the~~
9 ~~information provided and shall be responsible for its accuracy.~~

10 ~~(b) When DEQ is the state project agency, an environmental document may be prepared by a consultant, including the~~
11 ~~applicant for the action's consultant. If a lead DENR agency DEQ a non-state entity allows an applicant for the action to~~
12 ~~prepare an environmental document, the lead DENR agency—DEQ shall furnish guidance and participate in the~~
13 ~~preparation, and take responsibility for its scope, objectivity, content, and accuracy.~~

14 ~~(c) An environmental document may be prepared by a consultant.~~

15 ~~(d)(c) The Environmental Assessment Guidance Document available through the State Clearinghouse and Rules 01~~
16 ~~NCAC 25 .0400 through .1000 offer provides guidance in preparing environmental documents.~~

17 ~~(d) When DEQ is the state project agency, the content and finalization of an environmental document shall comply with~~
18 ~~NCEPA, DEQ's rules, and the Department of Administration's rules (01 NCAC 25).~~

19
20 *History Note: Authority G.S. 113A-4; 113A-5; 113A-6; 113A-9; 143B-10;*
21 *Eff. April 1, 2003;*
22 *Readopted Eff. May 1, 2022.*
23
24

1 15A NCAC 01C .0205 is repealed through readoption as published in 36:08 NCR 584 as follows:

2

3 **15A NCAC 01C .0205 IMPLEMENTATION**

4

5 *History Note: Authority G.S. 113A-2; 113A-4; 113A-5; 113A-6; 143B-10;*

6 *Eff. April 1, 2003;*

7 *Repealed Eff. May 1, 2022.*

8

9

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0206

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:

What is the statutory authority for the change from mandatory environmental assessment preparation for established situations to discretionary assessment preparation for situations in which the Secretary would not otherwise be able to require an assessment?

In Paragraph (b), how does DEQ decide to prepare an environmental impact statement versus an environmental assessment? What criteria is used and what is the difference between the two?

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

1 15A NCAC 01C .0206 is readopted as published in 36:08 NCR 584 as follows:

2
3 **SECTION .0200 - INTEGRATION WITH AGENCY ACTIVITY**

4
5 **15A NCAC 01C .0206 WHEN TO PREPARE ENVIRONMENTAL DOCUMENTS**

6 (a) ~~DENR agencies shall prepare an environmental assessment in accordance with the NC EPA and the related state~~
7 ~~rules at 01 NCAC 25 for those activities described in Section .0300 of this Subchapter, and for those activities above the~~
8 ~~thresholds set in DENR's minimum criteria described in Section .0400 of this Subchapter. When an environmental~~
9 ~~document is required under NCEPA and DEQ is the state project agency, DEQ shall prepare an environmental document~~
10 ~~unless the action falls below the minimum criteria set forth in Section .0400 of this Subchapter. As described in 15A~~
11 ~~NCAC 01C .0306, the Secretary may require preparation of an environmental document that would otherwise not be~~
12 ~~required through application of DEQ's minimum criteria.~~

13 (b) An environmental assessment is not necessary if ~~a DENR agency~~ DEQ has decided to prepare an environmental
14 impact ~~statement, statement, because the scope or complexity of the activity has a clear potential for environmental~~
15 ~~effects.~~

16 (c) ~~DENR agencies~~ DEQ shall ~~insure~~ ensure that the activity that is the subject of the environmental document is
17 properly defined. Closely connected activities should be reviewed together. Closely connected activities include:

- 18 (1) activities that automatically trigger other activities that may require environmental impact statements;
19 (2) activities that cannot or will not proceed unless other activities occur either previously or
20 simultaneously; and
21 (3) activities that are interdependent parts of a larger plan of development and depend on the larger plan
22 of development for justification.

23
24 *History Note: Authority G.S. 113A-2; 113A-4; 113A-6; 143B-10;*
25 *Eff. April 1, 2003;*
26 *Readopted Eff. May 1, 2022.*
27
28

1 15A NCAC 01C .0207 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0207 INCORPORATION BY REFERENCE**

4 (a) ~~DENR agencies~~ DEQ shall incorporate material into environmental documents by reference to cut down on bulk
5 without impeding ~~DENR agency~~ DEQ and public reviews of the action. The incorporated material shall be cited in the
6 document and its contents briefly described.

7 (b) Incorporated-by-reference material ~~must~~ shall be made available by the applicant for inspection by reviewers and
8 potentially interested persons within the time allowed for comment.

9
10 *History Note: Authority G.S. 113A-4; 113A-6; 113A-10; 143B-10;*

11 *Eff. April 1, 2003;*

12 *Readopted Eff. May 1, 2022.*
13
14

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0208

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 (b), by what standard is “relevant” determined? What does “reasonable” mean? How is it determined whether “the overall cost of and time for it are out of proportion to the potential environmental effects of the activity”? These same questions apply to Paragraph (c).

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

1 15A NCAC 01C .0208 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0208 INCOMPLETE OR UNAVAILABLE INFORMATION**

4 (a) Where a ~~DENR agency~~ DEQ is evaluating ~~significant~~ effects upon the environment in an environmental document
5 and there are gaps in relevant information or scientific uncertainty, ~~the DENR agency DEQ should always~~ shall make
6 clear that such information is lacking or that uncertainty exists.

7 (b) If the information relevant to the effects is essential to a reasonable choice among alternatives and the overall costs
8 of and time for obtaining it are not out of proportion to the potential environmental effects of the activity, ~~the DENR~~
9 ~~agency DEQ should~~ shall include the information in the environmental document.

10 (c) If the information relevant to the effects is essential to a reasoned choice among alternatives and the overall cost of
11 and time for obtaining it are out of proportion to the potential environmental effects of the activity, or the means of
12 obtaining it are not known (beyond the state of the art), then ~~the DENR agency DEQ~~ shall weigh the need for the action
13 against the risk and severity of possible adverse impacts were the action to proceed in the face of uncertainty. If ~~the~~
14 ~~DENR agency DEQ~~ proceeds, it shall include within the environmental document:

- 15 (1) a statement that such information is incomplete or unavailable;
16 (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably
17 foreseeable significant adverse impacts on the human environment;
18 (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably
19 foreseeable significant adverse impacts on the human environment; and
20 (4) ~~the DENR agency's DEQ's~~ evaluation of such impacts based upon theoretical approaches or research
21 methods generally accepted in the scientific community.

22 (d) For the purposes of this Section, "reasonably foreseeable" includes impacts which have catastrophic consequences,
23 even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific
24 evidence, is not based on pure conjecture, and is within the rule of reason.

25
26 *History Note: Authority G.S. 113A-4; 113A-6; 143B-10;*
27 *Eff. April 1, 2003;*
28 *Readopted Eff. May 1, 2022.*
29
30

15A NCAC 01C .0304 is repealed through readoption as published in 36:08 NCR 584 as follows:

15A NCAC 01C .0304 ACTIVITIES ABOVE THE MINIMUM CRITERIA

History Note: Authority G.S. 113A-2; 113A-4; 113A-6; 113A-11; 143B-10;

Eff. April 1, 2003;

Repealed Eff. May 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0305

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 Item (1), please capitalize “construction”.

In Item (2), please add an oxford comma after “rehabilitation”. Also, please change “and/or” so that it does not have a “/”.

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

1 15A NCAC 01C .0305 is readopted as published in 36:08 NCR 584 as follows:

2
3 **SECTION .0300 – SPECIAL CIRCUMSTANCES**

4
5 **15A NCAC 01C .0305 ACTIVITIES UNDERTAKEN BY DEQ ~~TYPES OF ACTIVITIES REQUIRING~~**
6 **ENVIRONMENTAL DOCUMENTATION**

7 The following ~~DENR agency activities~~ activities, when undertaken by DEQ, ~~will shall be deemed to have a potential~~
8 ~~effect upon the environment of the state and~~ require preparation of an environmental document unless they ~~fall under~~
9 satisfy the minimum criteria set out in Section .0400 of this Subchapter.

- 10 (1) ~~Proposed~~ construction of facilities or infrastructures on lands and waters owned or managed by ~~any~~
11 ~~DENR agency~~ DEQ.
- 12 ~~(2) Specific programs conducted by DENR agencies on lands and waters or in the atmosphere owned or~~
13 ~~managed by the state.~~
- 14 ~~(3)~~ (2) Demolition of or additions, rehabilitation and/or renovations to a structure listed in the National
15 Register of Historic Places or more than 50 years of age except where agreement exists with the
16 Department of Natural and Cultural Resources that the structure lacks architectural or historical
17 significance.
- 18 ~~(4)~~ (3) Ground disturbances involving National Register listed archaeological sites or areas around buildings
19 50 years old or older, except where agreement exists with the Department of Natural and Cultural
20 Resources.

21
22 *History Note: Authority G.S. 113A-4; 113A-6; 113A-8; 113A-9; 113A-10; 143B-10;*
23 *Eff. April 1, 2003;*
24 *Readopted Eff. May 1, 2022.*
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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0306

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 Item (1), please add commas after “streams” (line 9), “state” (line 10), and “research” (line 11). Also, please capitalize “state” on line 12.

Please delete “or” at the end of both Item (1) and (2).

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

1 15A NCAC 01C .0306 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0306 ACTIVITIES OF A SPECIAL NATURE**

4 ~~Any activity falling within the parameters of the minimum criteria set out in Section .0400 of this Subchapter shall not~~
5 ~~routinely be required to have environmental documentation under the NCEPA. However, an environmental document is~~
6 ~~required when the Secretary determines that~~ The Secretary may require preparation of an environmental document that
7 would otherwise not be required through application of DEQ's minimum criteria if the Secretary determines:

- 8 (1) the proposed activity may have a potential for significant adverse effects on wetlands; surface waters
9 such as rivers, streams and estuaries; parklands; game lands; prime agricultural or forest lands; or
10 areas of local, state or federally recognized scenic, recreational, archaeological, ecological, scientific
11 research or historical value, including secondary impacts; or would threaten a species identified on the
12 Department of Interior's or the state's threatened and endangered species lists; or
13 (2) the proposed activity could cause changes in industrial, commercial, residential, agricultural, or
14 silvicultural land use concentrations or distributions which would be expected to create adverse water
15 quality, instream flow, air quality, or ground water impacts; or affect long-term recreational benefits,
16 fish, wildlife, or their natural habitats; or
17 (3) the proposed activity has secondary impacts, or is part of cumulative impacts, not generally covered in
18 the approval process for the state action, and that may result in a potential risk to human health or the
19 environment; or
20 (4) the proposed activity is of such an unusual nature or has such widespread implications that a concern
21 for its environmental effects has been identified by ~~the DENR agency~~ DEQ or expressed to ~~the DENR~~
22 ~~agency-DEQ.~~

23
24 *History Note:* *Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10;*
25 *Eff. April 1, 2003;*
26 *Readopted Eff. May 1, 2022.*
27
28

1 15A NCAC 01C .0405 is readopted as published in 36:08 NCR 584 as follows:

2
3 **SECTION .0400 ~~OTHER REQUIREMENTS~~ MINIMUM CRITERIA**
4
5

6 **15A NCAC 01C .0405 PURPOSE OF THE MINIMUM CRITERIA THRESHOLDS**

7 ~~(a) This Section establishes minimum criteria to be used in determining when environmental documents are not~~
8 ~~required. The minimum criteria, as defined in state rules at 01 NCAC 25, shall be used by the Secretary and DENR~~
9 ~~agencies to provide sound decision making processes by allowing separation of activities with a high potential for~~
10 ~~environmental effects from those with only a minimum potential.~~

11 ~~(b) The minimum criteria set out in this Section are established to determine when environmental documentation under~~
12 ~~the NCEPA is not required.~~

13 If NCEPA requires preparation of an environmental document and DEQ is the state project agency, the minimum
14 criteria set forth in this Section determine when preparation of an environmental document is not required because the
15 action or class of actions have no significant long-term impact on the environment. An activity must be at or below shall
16 satisfy each applicable minimum criteria threshold to maintain this status. As set out in Rule .0306 of Section .0300 this
17 Subchapter, the Secretary may require preparation of an environmental documentation document for activities that would
18 otherwise not be required through application of DEQ's qualify under these minimum criteria. criteria thresholds.

19
20 *History Note: Authority G.S. 113A-2; 113A-4; 113A-6; 113A-11; 143B-10;*

21 *Eff. April 1, 2003;*

22 *Readopted Eff. May 1, 2022.*
23
24

1 **15A NCAC 01C .0406 IS READOPTED AS PUBLISHED IN 36:08 NCR 584 AS FOLLOWS:**

2
3 **15A NCAC 01C .0406 SAMPLING, SURVEY, MONITORING, AND RELATED RESEARCH**
4 **ACTIVITIES**

5 Sampling, survey, monitoring and research activities do not require the ~~file~~ preparation of environmental
6 ~~documentation- documents.~~ These activities include, but are not limited to the following:

- 7 (1) Aerial photography projects involving the photographing or mapping of the lands of the state;
- 8 (2) Biology sampling and monitoring of:
 - 9 (a) Fisheries resources through the use of traditional commercial fishing gear, electricity, and
10 rotenone; and
 - 11 (b) Wildlife resources through the use of traditional techniques, including but not limited to
12 traps, drugs, and firearms;
- 13 (3) Soil survey projects involving the sampling or mapping of the soils of the state;
- 14 (4) Establishing stream gaging stations for the purpose of measuring water flow at a particular site;
- 15 (5) Placement of monitoring wells for the purpose of measuring groundwater levels, quantity, or quality;
- 16 (6) Gathering surface or subsurface information on the geology, minerals, or energy resources, of the
17 state.
- 18 (7) Placement and use of geodetic survey control points;
- 19 (8) Other routine survey and resource monitoring activities, or other temporary activities required for
20 research into the environment ~~which~~ that do not have adverse effects; and
- 21 (9) Investigation and assessment of sites contaminated with regulated substances.

22
23 *History Note: Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10;*
24 *Eff. April 1, 2003;*
25 *Readopted Eff. May 1, 2022.*
26
27

1 **15A NCAC 01C .0407 is READOPTED AS PUBLISHED IN 36:08 NCR 584 AS FOLLOWS:**

2
3 **15A NCAC 01C .0407 STANDARD MAINTENANCE OR REPAIR ACTIVITIES**

4 Standard maintenance or repair activities, if needed to maintain the originally defined function of an existing project or
5 facility (but without expansion, increase in quantity, decrease in quality, use, or release of hazardous waste), do not
6 require the ~~filing~~ preparation of environmental documents. These activities include but are not limited to maintenance
7 and repair of the following:

- 8 (1) Housekeeping projects ~~which~~ that maintain a facility's original condition and physical features,
9 including re-roofing and minor alterations where in-kind materials and techniques are used. This also
10 encompasses structures 50 years of age and older and for which no separate law, rule, or regulation
11 dictates a formal review and approval process;
- 12 (2) Roads, bridges, parking lots, and their related facilities;
- 13 (3) Utilities on their existing rights-of-way;
- 14 (4) Surface drainage systems;
- 15 (5) Boat ramps, docks, piers, bulkheads, rip rap, breakwaters and associated facilities;
- 16 (6) Diked, high ground dredge-material disposal areas;
- 17 (7) Activities necessary to fulfill the existing requirements of in-effect permits for the protection of the
18 environment and human health;
- 19 (8) Other maintenance and repair activities on projects ~~which~~ that are consistent with previously approved
20 environmental documents; and
- 21 (9) Routine grounds maintenance and landscaping of sidewalks, trails, walls, gates, and related facilities,
22 including outdoor exhibits.

23
24 *History Note: Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10;*
25 *Eff. April 1, 2003;*
26 *Readopted Eff. May 1, 2022.*
27
28

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0408

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:

What is the statutory authority for the "Specific Criteria" listed in Item (2)? Do these criteria comply with G.S. 113A-12? Some items on the list seems to be exempted from having an environmental document required.

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

1 15A NCAC 01C .0408 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0408 MINOR CONSTRUCTION ACTIVITIES**

4 This Rule sets out the general and specific minimum criteria for construction activities. Construction and land disturbing
5 activities ~~must fall under that satisfy~~ both the general minimum criteria and any specific minimum criteria applicable to
6 the ~~project.~~ project do not require preparation of environmental documents.

7 (1) General criteria. ~~The following categories of land disturbing activity do not require preparation of an~~
8 ~~environmental document.~~

9 (a) In the 20 coastal counties, land disturbing activity that:

- 10 (i) is located more than 575 feet away from waters classified as High Quality Waters
11 (HQW) or impacts less than five acres located all or in part within 575 feet of
12 waters classified as High Quality Waters (HQW);
13 (ii) is located outside of any Outstanding Resource Waters (ORW) watershed or area
14 that requires specific management actions to protect ORW waters as defined in 15A
15 NCAC 02B .0225; and
16 (iii) impacts less than five acres located in any Outstanding Resource Waters (ORW)
17 watershed or in any area that requires specific management actions to protect ORW
18 waters as defined in 15A NCAC 02B .0225.

19 (b) Land disturbing activity outside the ~~twenty~~ 20 coastal counties that:

- 20 (i) is located more than one mile from waters classified as HQW or impacts less than
21 five acres located within one mile of and draining to waters classified as HQW;
22 (ii) is located outside of any Outstanding Resource Waters (ORW) watershed or area
23 that requires specific management actions to protect ORW waters as defined in 15A
24 NCAC 02B .0225;
25 (iii) impacts less than five acres located in any Outstanding Resource Waters (ORW)
26 watershed or in any area that requires specific management actions to protect ORW
27 waters as defined in 15A NCAC 02B .0225; and
28 (iv) is located more than 25 feet from any waters classified as Trout (Tr) waters or
29 impacts less than five acres located all or in part within 25 feet of any waters
30 classified as Trout (Tr) waters.

31 (c) Channel disturbance and land disturbing activities associated with non-compensatory stream
32 restoration or stream enhancement.

33 (d) Land disturbing activities impacting wetlands if the activity will result in the loss of one acre
34 or less of Class WL wetlands.

35 (e) Land disturbing activities impacting streams if the activity will result in channel disturbance
36 of less than 500 linear feet of perennial streams. Land disturbing activities that impact 500

linear feet or more of perennial streams do not require preparation of an environmental document if stream restoration or stream enhancement is performed.

- (2) Specific Criteria. ~~Construction or expansion activities listed below require an environmental document if they exceed either the minimum criteria set out in Item (1) of this Rule or the thresholds established below.~~

(a) The following activities related to wastewater treatment systems.

- (i) Relocation of discharge points within the same river basin;
- (ii) New discharge facilities with a proposed permitted expansion of less than 500,000 gallons per day and producing an instream waste concentration of less than 33 percent during the 7-day 10-year low flow conditions;
- (iii) Expansion of an existing discharge facility of less than 500,000 gallons per day additional flow;
- (iv) New surface irrigation, high rate infiltration, or subsurface waste water systems with a proposed permitted capacity not exceeding 100,000 gallons per day;
- (v) Reclaimed water utilization systems with reclaimed water utilization being the sole disposal option with a proposed permitted capacity not exceeding 200,000 gallons per day;
- (vi) New reclaimed water utilization sites with a proposed permitted capacity not to exceed 500,000 gallons per day when the reclaimed water utilization system is required for compliance with any other wastewater disposal permit;
- (vii) New reclaimed water utilization sites with a proposed permitted capacity not to exceed 1,000,000 gallons per day when the reclaimed water utilization system is not required for compliance with any other wastewater disposal permit;
- (viii) New reclaimed water utilization distribution lines;
- (ix) New permits or modification to existing permits for land application of residuals utilization, where less than 10 acres not previously permitted is prior converted within three years or will be converted from a non-plantation forested area to application area;
- (x) New or expanding surface disposal sites disposing less than 3000 dry tons of residuals per year;
- (xi) Gravity sewer extensions with less than three miles of new lines or lines of less than 18 inches in diameter; and
- (xii) New or expanding individual pump stations and associated force mains with a proposed permitted capacity of less than 1750 gallons per minute.

(b) The following activities related to potable water systems.

- (i) Improvements to water treatment plants that involve less than 1,000,000 gallons per day added capacity and total design withdrawal less than one-fifth of the 7-day, 10-year low flow of the contributing stream;
- (ii) Improvements not intended to add capacity to the facility;
- (iii) Installation of appurtenances in existing rights-of-way for streets or utilities, or water lines and appurtenances less than five miles in length and having only directional bore stream crossings or no stream crossings; and
- (iv) Construction of water tanks, or booster pumping or secondary or remote disinfection stations.
- (c) Groundwater withdrawals of less than 1,000,000 gallons per day where such withdrawals are not expected to cause alterations in established land use patterns, or degradation of groundwater or surface water quality.
- (d) The following activities related to solid waste disposal:
- (i) Construction of solid waste management facilities, other than landfills exempt pursuant to G.S. 130A-294 (a)(4), which store, treat, process incinerate, or dispose of less than 350 tons per day (averaged over one year) of solid waste; and
- (ii) Disposal of solid waste by land application on 100 total acres or less, where less than 10 percent of the total land application area is converted from a non-plantation forested area.
- (e) ~~Development requiring a Coastal Area Management Act (CAMA) permit or State Dredge and Fill Law permit that does not involve:~~
- ~~(i) Construction of a new marina, or a 25% or greater expansion in the number of slips at existing and operating marinas;~~
- ~~(ii) Excavation of a new navigation channel. Maintenance activities associated with maintaining the traditional and established use of a channel and new excavation activities located entirely within 100 feet of the shoreline, or within 50 feet from the waterward edge of any existing or authorized docking facility and involving the excavation of less than 5,000 square feet of public trust bottom do not constitute excavation of a new navigation channel for purposes of these rules.~~
- ~~(iii) Excavation of materials from aquatic environments for use for beach nourishment or other purposes not directly related to approved navigation projects;~~
- ~~(iv) A large scale beach nourishment or spoil deposition project. A project shall be considered large scale when it places more than a total volume of 200,000 cubic yards of sand at an average ratio of more than 50 cubic yards of sand per linear foot of shoreline;~~

- ~~(v)~~ The salvaging of cut logs from public trust waters for commercial use, unless the salvage operation complies with any departmentally approved best management practices developed for such activities;
- ~~(vi)~~ The construction over state owned submerged lands of private bridges to privately owned islands, unless the length of the bridge is less than 50 feet; and
- ~~(vii)~~ The excavation, dredging or other hydrodynamic manipulation of an inlet, inlet channel(s) or inlet shoal(s) for non navigational purposes.
- ~~(f)~~(e) Construction of a minor source or modification of a minor source of air emissions as defined in 15A NCAC 02D .0530, that are less than 100 tons per year or 250 tons per year as defined therein.
- ~~(g)~~(f) Construction relating to the reclamation of underground storage tanks and restoration of groundwater quality.
- ~~(h)~~(g) The construction, repair or removal of dams less than 25 feet in height and having less than 50 acre-feet of effective storage capacity.
- ~~(i)~~(h) Any new construction for a building ~~which~~ that involves all of the following;
- (i) A footprint of less than 10,000 square feet;
- (ii) A location that is not a National Register Archaeological site; and
- (iii) The building's purpose is not for storage of hazardous waste.
- ~~(j)~~(i) Demolition of or additions, rehabilitation or renovations to a structure not listed in the National Register of Historic places or less than 50 years of age.
- ~~(k)~~(j) Routine grounds construction and landscaping of sidewalks, trails, walls, gates and related facilities, including outdoor exhibits.
- ~~(l)~~(k) Installation of on-farm Best Management Practices that meet the standards of the North Carolina Soil and Water Conservation Commission and the federal Natural Resources Conservation Service.
- ~~(m)~~(l) Construction or remodeling of swimming pools.
- ~~(n)~~(m) Construction of a new two-lane road in accordance with DOT accepted design practices and DOT standards and specifications involving less than a total of 25 cumulative acres of ground surface limited to a single project, and not contiguous to any other project making use of this provision.
- ~~(o)~~(n) Expansion of a two-lane road in accordance with DOT accepted design practices and DOT standards and specifications involving less than a total of 10 cumulative acres of ground surface limited to a single project, and not contiguous to any other project making use of this provision.

History Note: Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10; Eff. April 1, 2003;

- 1 Readopted Eff. May 1, 2022.
- 2
- 3

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0409

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:

Please double-check the numbering of the Items. It appears that after Item (18) the numbering may be off.

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

1 15A NCAC 01C .0409 is readopted as published in 36:08 NCR 584 with changes as follows:

2
3 **15A NCAC 01C .0409 MANAGEMENT ACTIVITIES**

4 Management activities do not require the ~~filling preparation~~ of environmental documents. These activities include but are
5 not limited to the following:

- 6 (1) Replenishment of shellfish beds through the placement of seed oysters, seed clams or shellfish cultch
7 on marine or estuarine habitats.
- 8 (2) Creation and enhancement of marine fisheries habitat through the establishment of artificial reefs in
9 accordance with the Division of Marine Fisheries' Artificial Reef Master Plan.
- 10 (3) Placement of fish attractors and shelter in public waters managed by the N.C. Wildlife Resources
11 Commission.
- 12 (4) Translocation and stocking of native or naturalized fish and wildlife in accordance with appropriate
13 ~~DENR agency~~ DEQ species management plans, watershed management plans, or other state agency
14 approved resource management plans.
- 15 (5) Reintroduction of native endangered or threatened species in accordance with state or federal
16 guidelines or recovery plans.
- 17 (6) Production of native and agricultural plant species to create or enhance fish or wildlife habitat and
18 forest resources, including fertilization, planting, mowing, and burning in accordance with fisheries,
19 wildlife, or forestry management plans.
- 20 (7) Forest products harvest in accordance with the forestry Best Management Practices (BMPs) and the
21 performance standards in the Forest Practice Guidelines (FPGs) Related to Water Quality ~~(15A NCAC~~
22 ~~01I .0201 — .0209)~~ (02 NCAC 60C) and the United States Forest Service or the N.C. Division of
23 Forest Resources forest management plans.
- 24 (8) Reforestation of woodlands in accordance with the United States Forest Service or the N.C. Division
25 of Forest Resources forest management plans.
- 26 (9) Use of forestry best management practices to meet the performance standards in Forest Practice
27 Guidelines Related to Water Quality codified as ~~15A NCAC 01I~~ in 02 NCAC 60C.
- 28 (10) The control of forest or agricultural insects and disease outbreaks by biological treatments, mechanical
29 treatments, or the lawful application of labeled pesticides by licensed applicators, or any combination
30 of those practices, on areas of no more than 100 acres.
- 31 (11) Control of species composition on managed forestlands as prescribed by approved forest management
32 plans by the lawful application of labeled herbicides by licensed applicators, on areas no more than
33 100 acres.
- 34 (12) ~~[(7)]~~ Control of aquatic weeds in stream channels, canals and other water bodies, by the lawful
35 application of labeled herbicides by licensed applicators pursuant to Article 15, Chapter 113A of the
36 NC General Statutes, ~~on areas of no more than two acres or 25 percent of surface area, whichever is~~
37 ~~less, except in Primary Nursery Areas designated by the Marine Fisheries Commission, Inland~~

~~Primary Nursery Areas designated by the Wildlife Resources Commission, and Anadromous Fish Spawning Areas designated by the Marine Fisheries Commission or the Wildlife Resources Commission.~~

(13) (8) Removal of logs, stumps, trees, and other debris from stream channels where there is no channel excavation, and activities are carried out in accordance with "Best Management Practices (BMPs) for Selective Clearing and Snagging," Appendix B in Incremental Effects of Large Woody Debris Removal on Physical Aquatic Habitat, US Army Corps of Engineers Technical Report EL-92-35, Smith et al, 1992, or other guidelines approved through the Intergovernmental Review process as set out at 01 NCAC 25 .0211.

(14) (9) Dredging of existing navigation channels and basins to originally approved specifications, provided that the spoil is placed in existing and approved high ground disposal areas.

(15) (10) Controlled or prescribed burning for wildlife, timber enhancement, and hazard reduction in accordance with applicable management plans.

(16) (11) Plowing fire lines with tractor plow units, or other mechanized equipment, for the purpose of suppressing wildland (brush, grass, or woodland) fires and prescribed burning.

(17) (11) Scooping or dipping water from streams, lakes, or sounds with aircraft or helicopters for the purpose of suppressing wild land (brush, grass, or woodland) fires.

(18) (12) Drainage projects where the mean seasonal water table elevation will be lowered less than one foot over an area of one square mile or less, and riparian and wetland areas will not be affected.

(19) (13) Manipulation of water levels in reservoirs or impoundments in accordance with approved management plans, for the purpose of providing for water supply storage, flood control, recreation, hydroelectric power, fish and wildlife, downstream water quality and aquatic weed control.

(20) (14) Installation of on-farm Best Management Practices that meet the standards of the North Carolina Soil and Water Conservation Commission and the federal Natural Resources Conservation Service.

(21) (15) Continuation of previously permitted activities where no increase in quantity or decrease in quality are proposed.

(22) (16) Acquisition or acceptance of real property to be retained in a totally natural condition for its environmental benefits.

(23) (17) Acquisition or acceptance of real property to be managed in accordance with plans for which environmental documents have been approved.

(24) (18) Care of all trees, plants, and groundcovers on public lands.

(25) (19) Care, including medical treatment, of all animals maintained for public display.

(26) (20) Activities authorized for control of mosquitoes such as the following:

- (a) Mosquito control water management work in freshwater streams performed in accordance with "Best Management Practices (BMPs) for Selective Clearing and Snagging" Appendix B in Incremental Effects of Large Woody Debris Removal on Physical Aquatic Habitat, US

- 1 Army Corps of Engineers Technical Report EL-92-35, Smith et al, 1992, or other guidelines
2 reviewed through the Intergovernmental Review process as set out at 01 NCAC 25 .0211;
3 (b) Mosquito control water management work in salt marsh environments performed under
4 Open Marsh Water Management guidelines reviewed through the Intergovernmental Review
5 process as set out at 01 NCAC 25 .0211;
6 (c) Lawful application of chemicals approved for mosquito control by the United States
7 Environmental Protection Agency and the State when performed under the supervision of
8 licensed operators; and
9 (d) Lawful use of established species to control mosquitoes.

10
11 *History Note:* *Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10;*
12 *Eff. April 1, 2003;*
13 *Readopted Eff. May 1, 2022.*
14
15

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0410

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:

The first letter of each item in a list need not be capitalized. Also, each item should be followed by a semicolon.

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

1 15A NCAC 01C .0410 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0410 PRIVATE USE OF PUBLIC LANDS**

4 Activities related to the private use of public lands, when conducted in accordance with permit requirements, do not
5 require the ~~filing~~ preparation of environmental documents. These activities include but are not limited to the following:

- 6 (1) Use of pound nets.
- 7 (2) Shellfish relaying and transplanting.
- 8 (3) Harvest of shellfish during closed season.
- 9 (4) Special fisheries management activities under ~~15A NCAC 03I .0012~~ 15A NCAC 03O .0506.
- 10 (5) Aquaculture operations within coastal waters.
- 11 (6) Scientific collecting within coastal waters.
- 12 (7) Introduction and transfer of marine and estuarine organisms.
- 13 ~~(8) Development requiring a Coastal Area Management Act (CAMA) or a State Dredge and Fill~~
14 ~~Law permit that does not involve:~~
 - 15 ~~(a) Construction of a new marina, or a 25% or greater expansion in the number of slips~~
16 ~~at existing and operating marinas;~~
 - 17 ~~(b) Excavation of a new navigation channel. Maintenance activities associated with~~
18 ~~maintaining the traditional and established use of a channel and new excavation~~
19 ~~activities located entirely within 100 feet of the shoreline, or within 50 feet from the~~
20 ~~waterward edge of any existing or authorized docking facility and involving the~~
21 ~~excavation of less than 5,000 square feet of public trust bottom do not constitute~~
22 ~~excavation of a new navigation channel for purposes of these rules.~~
 - 23 ~~(c) Excavation of materials from aquatic environments for use for beach nourishment~~
24 ~~or other purposes not directly related to approved navigation projects;~~
 - 25 ~~(d) A large scale beach nourishment or spoil deposition project. A project shall be~~
26 ~~considered large scale when it places more than a total volume of 200,000 cubic~~
27 ~~yards of sand at an average ratio of more than 50 cubic yards of sand per linear foot~~
28 ~~of shoreline;~~
 - 29 ~~(e) The salvaging of cut logs from public trust waters for commercial use, unless the~~
30 ~~salvage operation complies with any Departmentally approved best management~~
31 ~~practices developed for such activities;~~
 - 32 ~~(f) The construction over state owned submerged lands or private bridges to privately~~
33 ~~owned islands, unless the length of the bridge is less than 50 feet; and~~
 - 34 ~~(g) The excavation, dredging or other hydrodynamic manipulation of an inlet, inlet~~
35 ~~channel(s) or inlet shoal(s) for non navigational purposes.~~
- 36 ~~(9) Construction of piers and boat docks on all State Lakes when conducted in accordance with 15A~~
37 ~~NCAC 12C .0300.~~

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History Note: Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10;
Eff. April 1, 2003;
Readopted Eff. May 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Department of Environmental Quality

RULE CITATION: 15A NCAC 01C .0411

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:

Please add an oxford comma after "contain" on line 4.

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

1 15A NCAC 01C .0411 is readopted as published in 36:08 NCR 584 as follows:

2
3 **15A NCAC 01C .0411 REMEDIATION ACTIVITIES**

4 Activities that seek to clean up, remove, remediate, abate, contain or otherwise protect public health or the environment
5 from the effect of contamination released to the environment do not require the ~~file~~ preparation of environmental
6 ~~documentation~~ documents.

7
8 *History Note:* Authority G.S. 113A-4; 113A-6; 113A-9; 113A-10; 113A-11; 113A-12; 143B-10;

9 *Eff. April 1, 2003;*

10 *Readopted Eff. May 1, 2022.*
11
12

1 15A NCAC 01D .0102 IS READOPTED AS PUBLISHED IN 36:10 NCR 872 AS FOLLOWS:

2
3 **15A NCAC 01D .0102 DEFINITIONS OF TERMS**

4 The terms used in this Subchapter shall be as defined in G.S. 159C-3 and as follows:

- 5 (1) ~~EHNR~~ “DEQ” shall mean means the Department of ~~Environment, Health, and Natural Resources.~~
6 Environmental Quality.
- 7 (2) ~~Secretary~~ “Secretary” shall mean means the Secretary of ~~EHNR~~ DEQ or his or her appointed
8 designee.
- 9 (3) ~~Project certification~~ “Project certification” shall mean means a written statement by the Secretary,
10 ~~Secretary of EHNR, the state agency having jurisdiction over environmental matters, as provided~~
11 ~~in G.S. 113A-1 et seq. and G.S. 143-215.11 et seq.,~~ that a proposed industrial project will meet the
12 criteria contained in Rule .0302 of this Subchapter, ~~and~~ a proposed pollution control project will
13 meet the criteria contained in Rule .0303 of this ~~Subchapter.~~ Subchapter, or a proposed hazardous
14 waste facility will meet the criteria contained in Rule .0305 of this Subchapter.

15
16 *History Note:* Authority G.S. 159C-7; 159C-7(d);
17 Eff. June 16, 1977;
18 Amended Eff. March 1, 1990; July 1, 1988;
19 Readopted Eff. May 1, 2022.
20

1 15A NCAC 01D .0302 IS READOPTED AS PUBLISHED IN 36:10 NCR 872 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 01D .0302 PROPOSED INDUSTRIAL PROJECT~~NO MATERIALLY ADVERSE EFFECT~~**
4 **ON THE ENVIRONMENT TEST**

5 In the case where the Secretary of ~~ECD~~ the Department of Commerce requests ~~has requested~~ a project certification
6 for a proposed industrial ~~project~~, project or for a proposed industrial project that includes a pollution control ~~project~~
7 project, connected to a new or expanded industrial facility, the Secretary shall ~~of EHNR will apply~~ the "materially
8 adverse" test, as follows: ~~If the Secretary determines that no state water or air quality standard or limitation will be~~
9 ~~violated, that use of water by the industrial project will not substantially affect other users, and that the project will~~
10 ~~have no other materially adverse effect on the environment, the Secretary will certify that the project will not have a~~
11 ~~materially adverse effect on the environment.~~ environment if the Secretary determines that no applicable State and
12 federal environmental laws, rules, [standards] standards, or limitations will be violated, that use of water by the
13 proposed industrial project will not substantially affect other users, and that the proposed project will have no other
14 materially adverse effect on the environment. Issuance to the operator of the proposed project of valid wastewater
15 discharge, air pollution control, water withdrawal permits and any other major the required environmental permits
16 determined by the Secretary to be required for the proposed project, or a determination by EHNR that such permits
17 would not be required for a specific operation, may be considered as "compelling proof" indicates that the certain
18 environmental impacts considerations surrounding of a the proposed project have been were evaluated, and the
19 Secretary may consider such evaluations in making a certification decision. ~~duly evaluated.~~

20
21 *History Note: Authority G.S. ~~159C-7~~; 159C-7(d);*
22 *Eff. June 16, 1977;*
23 *Amended Eff. March 1, 1990; July 1, 1988;*
24 *Readopted Eff. May 1, 2022.*
25
26

1 15A NCAC 01D .0303 IS READOPTED AS PUBLISHED IN 36:10 NCR 872 WITH CHANGES AS
2 FOLLOWS:

3
4 15A NCAC 01D .0303 PROPOSED POLLUTION CONTROL PROJECT MATERIALLY
5 FAVORABLE IMPACT TEST

6 In the case where the Secretary of ~~ECD~~ the Department of Commerce requests a project certification for a
7 proposed ~~water and/or air~~ pollution control project, the Secretary of ~~EHNR~~ will apply the "materially
8 favorable" test. If the Secretary determines that the project meets all relevant state emission control standards,
9 ~~water effluent limitations, pretreatment standards (if applicable), new source performance standards, and~~
10 ~~toxic substances emission effluent limitations, does not contravene any ambient air or water quality standard,~~
11 ~~and has no other materially adverse effect on the environment, the Secretary will shall~~ certify that the
12 proposed project will have a materially favorable impact on the environment; or will prevent or diminish
13 materially the impact of the pollution ~~which that~~ would otherwise ~~occur~~. occur, as set forth in G.S. 159C-
14 7(d), if the Secretary determines that: the proposed project meets all applicable State and federal emission
15 control standards, water effluent limitations, pretreatment standards, new source performance standards, and
16 toxic substances emission effluent limitations; [limitations,] does not contravene ambient air or water quality
17 standards; [standards,] and has an otherwise materially favorable impact on the environment. Issuance to the
18 operator of the proposed project of the required environmental permits ~~valid wastewater discharge, air~~
19 ~~pollution control, water withdrawal permits and any other major permits determined by the Secretary to be~~
20 ~~required for the project, or determination by EHNR that such permits would not be required for a specific~~
21 ~~operation, may be considered as compelling proof indicates that the certain environmental impact impacts of~~
22 a the proposed project has been duly were evaluated, and the Secretary may consider such evaluations in
23 making a certification decision.

24
25
26 *History Note: Authority G.S. ~~159C-7~~; 159C-7(d);*
27 *Eff. June 16, 1977;*
28 *Amended Eff. March 1, 1990; July 1, 1988;*
29 *Readopted Eff. May 1, 2022.*
30
31

1 15A NCAC 01D .0305 is adopted as published in 36:10 NCR 872 with changes as follows:
2

3 **15A NCAC 01D .0305 PROPOSED HAZARDOUS WASTE FACILITY**

4 In the case where the Secretary of the Department of Commerce requests a project certification for a hazardous
5 waste facility, the Secretary shall certify that the proposed project is environmentally sound, will not have an
6 adverse effect on public ~~health~~ health, and will further the waste management goals of North Carolina, in accordance
7 with G.S. 159C-7(d), if the Secretary determines that the proposed project meets applicable State and federal laws
8 and regulations, has applied for and received the required environmental permits, including those outlined in G.S.
9 130A-295, 130A-295.01, and 130A-295.04 for hazardous waste facilities, and meets the current and anticipated
10 waste management needs of the State. Issuance to the operator of the proposed project of the required environmental
11 permits indicates that certain environmental impacts of the proposed project were evaluated, and the Secretary may
12 consider such evaluations in making a certification decision.
13

14 History Note: Authority G.S. 159C-7(d);

15 Eff. May 1, 2022.
16

Burgos, Alexander N

From: Everett, Jennifer
Sent: Tuesday, April 19, 2022 4:32 PM
To: Duke, Lawrence
Cc: Ventaloro, Christopher; Burgos, Alexander N
Subject: RE: EMC Rules (02B) Submission - RRC

Great, thank you. And, thanks for letting us know about the objection letters to date.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Tuesday, April 19, 2022 3:24 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Ventaloro, Christopher <christopher.ventaloro@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: EMC Rules (02B) Submission - RRC

Jennifer,

Thank you for checking in on your 02B rules. I have reviewed your responses and they look fine.

Just as an FYI, we have received a request to speak from Sean Sullivan at Robinson Bradshaw. He has asked to speak on behalf of his client, Fayetteville Public Works Commission, in favor of EMC's proposed modifications to 15A NCAC 02B .0202, .0208, .0211, .0212, .0214, .0215, .0216, and .0218.

Additionally, there have been at least three letters of objection and request for legislative review on these same 1,4-dioxane rules.

Let me know if you need anything further.

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

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Sent: Tuesday, April 19, 2022 11:59 AM

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

Cc: Ventaloro, Christopher <christopher.ventaloro@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: EMC Rules (02B) Submission - RRC

Hi Lawrence,

Just checking to see if you have had a chance to review our responses for the EMC 02B rules.

Thank you!

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8614

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Everett, Jennifer

Sent: Wednesday, April 13, 2022 1:10 PM

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

Cc: Ventaloro, Christopher <christopher.ventaloro@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: EMC Rules (02B) Submission - RRC

Hi Lawrence,

Attached are the 15A NCAC 02B rewritten rules and our responses to your change requests.

Let us know if there are further questions.

Thank you!

Jennifer Everett

DEQ Rulemaking Coordinator

N.C. Depart. Of Environmental Quality

Office of General Counsel

1601 Mail Service Center

Raleigh, NC 27699-1601

Tele: (919)-707-8614

<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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

Sent: Friday, April 8, 2022 12:46 PM

To: Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Ventaloro, Christopher <christopher.ventaloro@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: EMC Rules Submission - RRC

Jennifer,

I have reviewed the Rules submitted by the Environmental Management 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 evite 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 evites 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

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

April 20, 2022

SSullivan@robinsonbradshaw.com
919.239.2604 : Direct Phone
919.328.8783 : Direct Fax

BY HAND DELIVERY

Lawrence Duke
Counsel
North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
lawrence.duke@oah.nc.gov

Re: Delivery of 16 Copies of Rebuttal Comments from the Fayetteville Public Works Commission

Dear Mr. Duke:

This firm represents the Fayetteville Public Works Commission ("FPWC"). In accordance with 26 NCAC 05.0103(d & e), please find enclosed sixteen (16) copies of FPWC's rebuttal comments regarding the City of Reidsville's comments in opposition to proposed revisions to the regulations codified at 15A NCAC 02B.0200, *et seq.*

Sincerely,



Sean M. Sullivan
Counsel to FPWC

Enclosures (16)

April 20, 2022

SSullivan@robinsonbradshaw.com
919.239.2604 : Direct Phone
919.328.8783 : Direct Fax

BY EMAIL AND HAND DELIVERY

North Carolina Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
rrc.comments@oah.nc.gov

Jennifer Everett
Rulemaking Coordinator
N.C. Environmental Management Commission
N.C. Department of Environmental Quality
217 West Jones Street
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jennifer.everett@ncdenr.gov

Christopher Ventaloro
Water Quality Standards Coordinator
Division of Water Resources
N.C. Department of Environmental Quality
217 West Jones Street
Raleigh, NC 27603
christopher.ventaloro@ncdenr.gov

**Re: Rebuttal Comments regarding April 13, 2022 Comments in Opposition to
Proposed Rules by the City of Reidsville**

Dear Commissioners, Ms. Everett and Mr. Ventaloro:

This firm represents the Fayetteville Public Works Commission ("FPWC"). Pursuant to 26 NCAC 05.0103(d), FPWC provides the following rebuttal comments in response to the City of Reidsville's ("Reidsville") April 13, 2022 Comments ("Reidsville's Comments") in opposition to proposed rules to be codified at 15A NCAC 2B.0208, .0212, .0214, .0215, .0216, and .0218 (the "Proposed Rules").

FPWC is a community-owned utility that provides drinking water on a retail basis to approximately one hundred thousand customers in and around Fayetteville, North Carolina and sells drinking water on a wholesale basis to Fort Bragg, Aqua America and several other communities in Cumberland County. Because 1,4-dioxane does not break down in surface waters, Reidsville's discharges of 1,4-dioxane into the headwaters of the Cape Fear River basin end up in the drinking water of people living in downstream locations like Pittsboro, Fayetteville and Fort Bragg. As such, FPWC appreciates this opportunity to correct some of the inaccuracies contained in Reidsville's Comments.

Background on 1,4-dioxane and the Proposed Rules

In August 2010, USEPA published a final Integrated Risk Information System ("IRIS") assessment regarding the health effects associated with exposure to 1,4-dioxane (the "2010 IRIS Assessment").¹ The 2010 IRIS Assessment concluded that 1,4-dioxane is a "likely human carcinogen" and that exposure to concentrations of 1,4-dioxane greater than 0.35 ug/L in drinking water will result in at least one additional case of cancer per one million people exposed (10^{-6} cancer risk). A draft of the 2010 IRIS Assessment was the subject of nationwide public comment as well as a scientific peer-review process. See 2010 IRIS Assessment at xx.

Then, in September 2013, EPA published a revised IRIS Assessment for 1,4-dioxane (the "2013 IRIS Assessment"), which reaffirmed EPA's conclusion that exposure to concentrations of 1,4-dioxane greater than 0.35 ug/L in drinking water will result in at least one additional case of cancer per one million people exposed (10^{-6} cancer risk).² The 2013 IRIS Assessment was also subject to nationwide public comment and to a scientific peer-review process. See 2013 IRIS Assessment at xx.

The Proposed Rules currently at issue contain the criteria to judge whether the quality of the water within a particular surface water is sufficient to support its designated uses. Some standards are numeric (concentrations for different substances expressed as mg/L or ug/L), and others are narrative (describing the conditions that should exist to protect designated uses). For good reason, the standards for surface waters reserved for use as a source of drinking water ("Water Supply Surface Waters") are generally stricter than the standards for surface waters that are used only for recreation. Accordingly, the Proposed Rules explicitly state that the standard for 1,4-dioxane in Water Supply Surface Waters is 0.35 ug/L, and the standard for recreational waters is 80 ug/L. While the explicit statements of the standard for 1,4-dioxane in Water Supply Surface Waters (0.35 ug/L) in the Proposed Rules are new, the substance of this requirement is not.

15A NCAC 02B.0208(a)(2)(B) already establishes a generally applicable, narrative water quality standard regarding the presence of any carcinogenic toxin in a Water Supply Surface Water.³ It states that the concentration of such carcinogenic toxins shall not "result in unacceptable health risks." *Id.* The provision then defines an unacceptable health risk to be

¹ U.S. Environmental Protection Agency, Toxicological Review of 1,4-Dioxane (Aug. 2010), *available at* https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/0326tr.pdf (last visited Apr. 20, 2022).

² U.S. Environmental Protection Agency, Toxicological Review of 1,4-Dioxane (With Inhalation Update) (Sept. 2013), *available at* http://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/0326tr.pdf (last visited Apr. 20, 2022).

³ EPA regularly approves this narrative water quality standard as part of the triennial review process – most recently in April 2020. See N.C. Department of Environmental Quality, Regulatory Impact Analysis: 2022-2022 Triennial Review – Surface Water Quality Standards at D-13, *available at* <https://deq.nc.gov/media/18238/download> (last visited Apr. 20, 2022) (hereinafter, the "RIA").

"more than one case of cancer per one million people exposed (10^{-6} risk level)." *Id.* The threshold concentration above which a toxin causes an unacceptable health risk is known as an in-stream target value ("ITV"). At all times relevant, this generally applicable water quality standard has not changed, and N.C.G.S. § 143-215.6A(a) has authorized the Department of Environmental Quality ("DEQ") to take enforcement action against any party who violates this standard.⁴ Furthermore, the concentration of 1,4-dioxane that is known to cause an "unacceptable health risk" (its ITV) of 0.35 ug/L has not changed since USEPA published the 2010 IRIS Assessment almost twelve years ago.

Reidsville's Comments Mischaracterize the Effect of the Proposed Rules

Reidsville's suggestion that the Proposed Rules impose a new regulatory requirement that will somehow result in additional compliance costs for the regulated community is incorrect. So far as the regulated community is concerned, expressly codifying the standard for 1,4-dioxane in the standards for Water Supply Surface Waters has no effect at all, because any person who violates that narrative standard of 0.35 ug/L from Section 0208(a)(2)(B) is already subject to enforcement under N.C.G.S. § 143-215.6A(a). Expressly stating the numerical standard for 1,4-dioxane in Water Supply Surface Waters simply provides more effective notice of the law and greater certainty to the regulated community.

The EMC's Fiscal Analysis of the Proposed Rules Complies with the NCAPA

Reidsville's argument that the Environmental Management Commission ("EMC") should have completed a fiscal analysis regarding the costs to bring all surface waters into compliance with the Proposed Rules is similarly misplaced. The Office of State Budget and Management ("OSBM") reviewed the EMC's RIA regarding the Proposed Rules and concurred with the EMC's conclusion that the Proposed Rules would not result in any additional costs to the regulated community.⁵ While N.C.G.S. § 150B-21.9(a) authorizes this Commission to ask OSBM whether a rule will have a substantial economic impact and requires a fiscal note, it does not provide a basis for Reidsville to object to a rule because Reidsville disagrees with OSBM's conclusion that a fiscal note is not required.

⁴ Indeed, N.C.G.S. § 143-215.6A(a) authorizes DEQ to take enforcement action against any party who violates a "standard" promulgated under the authority of N.C.G.S. § 143-214.1. 15A NCAC 02B.0208 is a narrative water quality "standard" that was promulgated under the authority of N.C.G.S. § 143-214.1. EPA regulations and guidance confirm that such narrative water quality standards are enforceable by state environmental agencies. See 40 C.F.R. §§ 122.44(d)(vii)(A) (requiring NPDES permits to contain limits necessary to "attain and maintain applicable narrative water quality criteria and ... fully protect the designated use") (emphasis added); USEPA, EPA Region 4 NPDES Permit Quality Review – North Carolina at 21 (Sept. 2020), available at https://www.epa.gov/sites/default/files/2020-09/documents/north_carolina_2019.pdf (last visited Apr. 20, 2022). DEQ successfully completed enforcement action against the City of Greensboro for violating this standard late last year. N.C. Environmental Management Commission, Amended Special Order by Consent: EMC SOC WQ S19-010 (Nov. 2021), available at <https://www.greensboro-nc.gov/home/showpublisheddocument/51227/637743992695570000> (beginning at page 12 of the pdf file) (last visited Apr. 20, 2022).

⁵ Email from C. Hollis, N.C. Office of State Budget and Management to J. Ventaloro, N.C. Department of Environmental Quality (Feb. 11, 2021) (a copy is attached hereto as Exhibit A).

Again, the Proposed Rules do not alter the regulated community's obligations with respect to the presence of 1,4-dioxane in Water Supply Surface Waters. This is why the RIA for the Proposed Rules described the regulatory "baseline" as the existing ITV for 1,4-dioxane (0.35 ug/L) and said no additional compliance costs are expected. The Proposed Rules simply "reflect the requirements and processes already being enforced." RIA at D-17. Nothing more.

Reidsville's Concerns regarding the Groundwater Quality Standard for 1,4-dioxane are Misplaced

The EMC's decision to explicitly state the water quality standard for 1,4-dioxane in Water Supply Surface Waters in the Proposed Rules is the issue before this Commission – not the groundwater quality standard for 1,4-dioxane in 15A NCAC chapter 02L. In addition, N.C.G.S. § 150B-21.9(a) prohibits this Commission from considering "questions relating to the quality or efficacy of the rule" in question in this proceeding. Nonetheless, Reidsville's Comments attempt to use a bit of "legal sleight of hand" to argue the differences in the standards for 1,4-dioxane in Water Supply Surface Waters versus groundwater renders the standard for Water Supply Surface Waters unnecessary. Furthermore, Reidsville's argument ignores the history of the groundwater standard for 1,4-dioxane.

Reidsville attempts to argue that the EMC's recent re-adoption of the groundwater standard for 1,4-dioxane constitutes a decision by the EMC that a concentration of 3 ug/L is sufficient to prevent "unacceptable health risks," i.e., "more than one case of cancer per one million people exposed (10^{-6} risk level)," 15A NCAC 02B.0208(a)(2)(B). On that basis, Reidsville claims that imposing a standard lower than 3 ug/L (such as 0.35 ug/L) is unnecessary. Unfortunately for Reidsville, the groundwater standard for 1,4-dioxane was not addressed as part of the recent revisions to 15A NCAC 02L.0202 ("Section 0202").⁶ Rather, that effort focused on adopting 44 existing Interim Maximum Allowable Concentrations for certain groundwater contaminants into Section 0202 and adopting other changes to Section 0202 that had nothing to do with the existing groundwater standard for 1,4-dioxane. See *id.* at 6 & 26.

What's more, the history of USEPA's IRIS assessments for 1,4-dioxane demonstrate that – at the time the EMC first adopted the groundwater standard for 1,4-dioxane into 15A NCAC 02L.0202 (December 2009) – EPA's toxicology indicated that a concentration of 3.0 ug/L was sufficient to prevent "more than one case of cancer per one million people exposed (10^{-6} risk level)." EPA finalized the 2010 IRIS Assessment, including the lower drinking water exposure limit of 0.35 ug/L, approximately ten months after the EMC first adopted the groundwater standard for 1,4-dioxane.⁷ As such, the adoption of the groundwater standard for

⁶ See DEQ, Report of Proceedings to the North Carolina Environmental Management Commission for Proposed Revisions to the 15A NCAC 02L.0202 Groundwater Quality Standards Rules at 26 (Feb. 2, 2021), available at <https://deq.nc.gov/media/27406/open> (last visited Apr. 20, 2022).

⁷ The EMC adopted the groundwater standard of 3.0 ug/L on December 1, 2009. See 24 N.C. Register 853. The EMC published the related proposed rule for public comment on April 1, 2009. See 23 N.C. Register 1970. USEPA finalized the 2010 IRIS Assessment, including its conclusion that a concentration

1,4-dioxane does not reflect a judgment about the sufficiency of a 3.0 ug/L standard at all. Rather, it reflects the fact that the EMC did not, and could not, have had the benefit of the 2010 IRIS Assessment's conclusions at the time the EMC originally adopted the groundwater standard.

While this history suggests the EMC may do well to consider whether a revision to the 1,4-dioxane groundwater standard is appropriate, the issue before this Commission is whether the surface water quality standards in the Proposed Rules satisfy the requirements of N.C.G.S. § 150B-21.9(a). The record demonstrates they do.

Sincerely,



Sean M. Sullivan
Counsel to FPWC

Exhibit (1)

cc: Lawrence Duke, Esq., Counsel to the Rules Review Commission
Phillip T. Reynolds, Esq., NCDOJ, Counsel to the EMC

no greater than 0.35 ug/L in drinking water was necessary to attain the 10^{-6} risk level, in August 2010 – ten months later.

EXHIBIT A

From: Hollis, Carrie <carrie.hollis@osbm.nc.gov>

Sent: Thursday, February 11, 2021 9:41 AM

To: Ventaloro, Julie <julie.ventaloro@ncdenr.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Grozav, Anca <Anca.Grozav@osbm.nc.gov>

Subject: Approval - Surface Water Triennial Review, 15A NCAC 02B .0202, .0208, .0211-.0212, .0214-.0216, .0218-.0220, .0301, .0311

OSBM has reviewed the Division of Water Resources' proposed changes to 12 rules in 15A NCAC 02B in accordance with G.S. 150B-21.4 and with E.O. 70 from 10/21/2010 as amended by E.O. 48 from 4/9/2014. The fiscal note is approved for publication. Please ensure that the state and local government impacts are included in the Notice of Text and that the NC League of Municipalities and Association of County Commissioners are notified.

The .pdf file of the rule impact analysis (attached) will be posted on our website at the following URL (please allow for some time):

https://files.nc.gov/ncosbm/documents/files/DEQ_2021-02-11.pdf

Please post this link on your agency's website to ensure compliance with G.S. 150B-19.1(c)(5).

Carrie Hollis

Economist

NC Office of State Budget and Management

carrie.hollis@osbm.nc.gov



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April 13, 2022

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Via E-Mail and U.S.P.S. First-Class Mail, to:

North Carolina Rules Review Commission
c/o Commission Staff
1711 New Hope Church Rd.
Raleigh, NC 27609
rrc.comments@oah.nc.gov

Via E-Mail and U.S.P.S. First-Class Mail, to:

Jennifer Everett, Rulemaking Coordinator
North Carolina Environmental Management Commission, Department of
Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601
Jennifer.everett@ncdenr.gov

Via E-Mail, to:

Christopher Ventaloro, Water Quality Standards Coordinator
North Carolina Department of Environmental Quality
christopher.ventaloro@ncdenr.gov

**RE: Comments in opposition to proposed rules to be codified at 15A
NCAC 2B .0208, .0212, .0214, .0215, .0216, and .0218,
and request and notice for oral presentation at the April 21, 2022,
meeting of the Rules Review Commission.**

Members of the Commission, Ms. Everett, and Mr. Ventaloro:

Please consider the remarks in this comment as grounds for rejecting the rules proposed by the North Carolina Environmental Management Commission ("EMC") to be codified at 15A NCAC 2B .0208, .0212, .0214, .0215, .0216, and .0218. These rules pertain to EMC's efforts to regulate discharges of 1,4-dioxane into surface waters, but the proposed rules neither comport with statutory authority nor rule-making requirements, nor are they reasonably necessary to effectuate a lawful purpose in light of existing EMC rules on this same subject.

Please furthermore allow this letter to serve as request and notice by the undersigned R. Robert El-Jaouhari for an oral statement in opposition to the referenced proposed rules at the Commission's upcoming April 21, 2022, meeting. Mr. El-Jaouhari sits in the Raleigh office of Cranfill Sumner, and his address, telephone number, fax number, and e-mail address are in the letterhead above.

This Commission's Review

This Commission's review of an agency's proposed rule is limited, but multifaceted. It includes determining (1) whether the proposed rule is within the agency's delegated authority, (2) whether the adoption comports with statutory restrictions and requirements for rule-making, and (3) whether a rule is "*reasonably necessary* to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency[.]" in which context "[t]he Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed." N.C. Gen. Stat. 150B-21.9(a) (emphasis added). The aforesaid regulations fail to meet the standards for this Commission's approval.

EMC did not perform the necessary fiscal analysis

The authority to adopt standards is delegated to the EMC by the General Assembly in the organic statute, Article 21 of Chapter 143, but that delegation of rulemaking authority is limited by Chapter 150B. The EMC, and every other agency subject to the provisions of Chapter 150B, lacks authority to adopt rules which do not comport with the limitations set forth in G.S. 150B. Those limitations are plentiful.

Generally, an agency "shall not adopt a rule that is unnecessary or redundant[.]" and agencies are authorized only to adopt rules "that are necessary to serve the public interest." G.S. 150B-19.1(a)(1), (a)(4).

Specifically as regards the fiscal impact of rules, agencies "*shall* quantify the costs and benefits to all parties of a proposed rule to the greatest extent possible[.]" G.S. 150B-19.1(e), and "*shall* seek to reduce the burden upon those persons or entities who must comply with the rule[.]" G.S. 150B-19.1(a)(2) (emphases added). Agencies are accordingly required to undertake fiscal impact analyses "[b]efore an agency publishes in the North Carolina Register the proposed text of a permanent rule change" which would either "have a substantial economic impact" when not identical to a required federal regulation, or would "affect the expenditures or revenues of a unit of local government." G.S. 150B-21.4(b), (b1).

This fiscal analysis requires a fiscal note. Agencies promulgating rules that affect the expenditures of a local government must submit a fiscal note to the Office of State Budget and Management, the Fiscal Research Division of the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities, and that fiscal note “must state the amount by which the proposed rule change would increase or decrease expenditures or revenues of a unit of local government and must explain how the amount was computed.” G.S. 150B-21.4(b).

Where a rule creates a substantial economic impact (and is not required by federal regulation), an agency’s fiscal note must be approved by the Office of State Budget and Management, and that Office must certify that the agency sought to reduce the compliance burden on regulated persons or entities, that the rule is based on sound, reasonably available scientific, technical, economic, and other relevant information, and that the rule was designed to achieve the regulatory objective in a cost-effective and timely manner. G.S. 150B-21.4(b1) (referring to G.S. 150B-19.1(a)(2), (5), and (6)). Rules with substantial economic impacts require an agency also to describe two alternatives to the proposed rule that the agency considered, and the reasons why those alternatives were rejected. G.S. 150B-21.4(b2). If an agency is unsure “whether a proposed rule change would have a substantial economic impact,” then “the agency *shall* ask the Office of State Budget and Management to *determine* whether the proposed rule change has a substantial economic impact.” G.S. 150B-21.4(b1) (emphases added). Critically, an agency’s “[f]ailure to prepare or obtain approval of the fiscal note as required by this subsection shall be a basis for objection to the rule under G.S. 150B-21.9(a)(4)” — precisely inside this Commission’s scope of review. *Id.*; see G.S. 150B-21.9(a)(4) (element of this Commission’s review).

Analyzing substantial economic impacts means that an agency must, among other things, (1) “assess the baseline conditions against which the proposed rule is to be measured[.]” (2) “describe the persons who would be subject to the proposed rule and the type of expenditures these persons would be required to make[.]” and (3) estimate additional costs (“monetized to the greatest extent possible”) that are “created by *implementation* of the proposed rule[.]” essentially comparing the baseline with future conditions after the proposed rule is *implemented*. G.S. 150B-21.4(b1) (emphasis added).

Here, rather than undertake the required fiscal analysis, EMC made a cursory conclusion that the proposed 1,4-dioxane rules create no substantial economic impact. EMC so concluded despite acknowledging that there is no proven treatment technology for removal of 1,4-dioxane from wastewater on the scale that

would be required for a publicly-owned treatment works, which for all practical purposes means that the cost of meeting an effluent limit based on the proposed standard is far more expensive than necessary, if not impossible. Indeed, EMC has, in the same single regulatory impact analysis (hereafter referred to as the “RIA”) for its Triennial Review (including the proposed 1,4-dioxane standard), concluded that the proposed standard presents no substantial economic impact even though:

- “The Division was not able to analyze all potentially impacted permits due to staff and time constraints.” RIA p. D-3.
- The impact of the proposed standards *will be realized* upon regulated parties through the application of those standards in permits and waterbody impairment assessments. RIA p. D-10 (emphasis added).
 - o Indeed, EMC admits that “[t]he revised standards will be the foundations for impairment assessments.” RIA p. D-12, D-14 (“codification of 1,4-dioxane as a standard will allow water bodies to be assessed and, if appropriate, listed as impaired.”); *see* D-19 (“The listing of a waterbody as impaired may eventually result in the development of a TMDL [Total Maximum Daily Load]. Once approved by the EMC and EPA, the TMDL may require actions to be taken by stakeholders to reduce inputs of 1,4-dioxane into surface waters.”).
- “It is worth noting that there could be future impacts to NPDES wastewater dischargers if waterbodies are assessed as impaired for 1,4-dioxane, resulting in the development of a TMDL compliance strategy *that places additional requirements on dischargers*.” RIA p. D-16 (emphasis added).
- “Staff anticipate [schedules of compliance] *will be common due to the high cost of treatment technology*.” RIA p. D-16 (emphasis added).
- “[M]unicipal water and wastewater treatment facilities are generally not equipped to remove [1,4-dioxane] through their treatment processes.” RIA p. D-17.
- “[C]onventional treatment processes are generally ineffective at removal[,]” and “[i]nstallation and operation of advanced treatment processes, such as those using hydrogen peroxide, ozone and/or ultra-violet photo-oxidation – all known to be effective for 1,4-dioxane removal at either wastewater treatment facilities or drinking water systems – *are anticipated to be prohibitively expensive for local governments and the citizens served by public utilities*.” RIA p. D-17 (emphasis added).
 - o And, that therefore the best approach to reducing 1,4-dioxane in surface water and drinking water is not by requiring wastewater treatment facilities to capture 1,4-dioxane in their effluent—which is precisely what this proposed codification will require. RIA p. D-17 (“[t]herefore, the most prudent approaches to reducing 1,4-dioxane

concentrations in surface water and drinking water are likely to be reduction, elimination and/or capture and treatment at industrial sources using or generating 1,4-dioxane, if possible.”).

- “[I]t is worth acknowledging that the ongoing costs and benefits associated with the monitoring and treatment of 1,4-dioxane are likely to be considerable. Unfortunately, *we have very limited data* upon which to expand on this topic” and “*DEQ is continuing to gather information on costs associated with implementation of 1,4-dioxane ITVs.*” RIA p. D-17 (emphasis added).

EMC’s own RIA thus makes clear that, despite an admitted substantial impact upon regulated parties when this standard is implemented, and despite acknowledging that regulated persons and entities—including public bodies such as North Carolina cities—have to find a way to implement the treatment processes EMC admits are prohibitively expensive, EMC has elected not to undertake the required fiscal analysis to evaluate the effect of that implementation. This contravenes G.S. 150B-21.4(b1)(4). *Id.* (evaluating substantial economic impact requires estimating “any additional costs that would be created by implementation of the proposed rule by measuring the incremental difference between the baseline and the future condition expected after implementation of the rule.”).

Indeed, EMC believes largely that it need not undertake a fiscal analysis and note because EMC already uses the same proposed standard as an in-stream target value under the narrative standard of 15A NCAC 02B.0208. But, EMC admits that narrative standards are intended for a different context than rule-making, namely, to “establish a broader descriptive protection, usually to address more complex scenarios where a numeric value is not feasible . . .” RIA p. D-5. Indeed, to the best knowledge of the undersigned, EMC does not undertake fiscal notes when implementing target values under the narrative standard, and the undersigned is not aware of any fiscal note performed for 1,4-dioxane’s target value when that value was calculated under 02B.0208. If true, this means that EMC’s proposed standard for 1,4-dioxane would be codified without the required fiscal note analysis ever having been made to capture the substantial economic impacts and impacts on local government which EMC admits. This runs contrary not only to the letter, but also the spirit, of Chapter 150B.

The proposed rules are not reasonably necessary

By proposing a rule profoundly inconsistent with another very recently adopted rule, both of which purport to satisfy a standard protecting the best use of

drinking water, the EMC has exceeded the limitations of its statutory authority by proposing a rule not “reasonably necessary to implement or interpret an enactment of the General Assembly.” G.S. 150B-21.9(a)(3).

The Commission’s consideration of reasonable necessity includes evaluation of “the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.” G.S. 150B-21.9(a)(3). With regard to 1,4-dioxane, EMC previously determined that a 1,4-dioxane standard of 3.0 ug/L, rather than the stricter .35 ug/L, is protective of the best use of drinkable groundwater (that best use being as water for human consumption). This drinking water standard is *nearly ten times higher* than the proposed standard for water supply waters, and is not an artifact of outdated rulemaking—rather, the effective date of the most recent rulemaking involving 1,4-dioxane in potable groundwater is April 1, 2022.

This wide difference in the two classifications arises out of EMC’s implementation of the same legislative enactment, G.S 143-214.1. Although groundwater and surface water are indeed two different classifications of water, the same statute is applicable to classification of surface waters and groundwater, and makes the two classifications subject to the same criterion of “best usage.” G.S 143-214.1. Moreover, the standards applicable to GA classified groundwater (that is, groundwater suitable for drinking) include a threshold of cancer risk identical to that applicable to water-supply classified surface waters. 15A NCAC 2L .0102(24); 15A NCAC 2L .0202(d)(2).

Indeed, with the same purpose resulting in two widely different standards, it seems that by the EMC’s own admission (namely, its prior codification of a 3.0 ug/L standard for groundwater), the proposed standard for water-supply classified surface waters at 0.35 ug/L is not reasonably necessary to implement the requirements of N.C. Gen. Stat. 143-214.1.

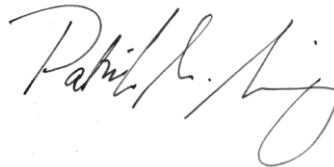
This difference in standards also contravenes EMC’s statutory authority. Agencies are authorized only to adopt rules “that are necessary to serve the public interest[.]” G.S. 150B-19.1(a)(1), but if EMC has already concluded that the use of water for human consumption is protected at a standard of 3.0 ug/L, then a standard which is an order of magnitude more stringent is not necessary to serve the public interest. Indeed, it operates contrary to the public interest because of the massive expenditure of limited public resources (in the case of regulated municipalities) required to attempt to comply with the more stringent standard. Relatedly, EMC has also failed to “seek to reduce the burden” of compliance upon wastewater dischargers who must meet the standard in the receiving waters, as is

required by G.S. 150B-19.1(a)(2). Lastly, if the regulatory objective is protection of the use of water as drinking water, then by not utilizing the standard applicable to groundwater (which is based on the same cancer risk factor and is drawn from the identical statutory criterion) the proposed surface water quality standard fails to achieve that objective in a cost-effective manner as required by G.S. 150B-19.1(a)(6).

CONCLUSION

EMC's proposed rules regarding 1,4-dioxane discharges into water supply surface waters is outside EMC's delegated authority, does not meet statutory requirements, and is not reasonably necessary in light of other rules on the same subject previously promulgated by EMC. On these bases the Commission can and should reject approval of EMC's proposed rules to be codified at 15A NCAC 2B .0208, .0212, .0214, .0215, .0216, and .0218.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick M. Mincey".

Patrick M. Mincey

A handwritten signature in black ink, appearing to read "R. Robert El-Jaouhari".

R. Robert El-Jaouhari

Counsel to the City of Reidsville

Burgos, Alexander N

Subject: FW: [External] RE: Correspondence to NC Rules Review Commission regarding 14-Dioxane
Attachments: Final - Comment to RRC regarding 1,4-Dioxane - 4867-7316-0475.pdf

From: Robert El-Jaouhari <rjaouhari@cshlaw.com>
Sent: Tuesday, April 19, 2022 1:11 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>; Ventaloro, Christopher <christopher.ventaloro@ncdenr.gov>
Cc: Patrick Mincey <pmincey@cshlaw.com>; Amber Hilliard <ahilliard@cshlaw.com>
Subject: [External] RE: Correspondence to NC Rules Review Commission regarding 14-Dioxane

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Good afternoon all,

I'm writing to confirm that my notice and request to speak at Thursday's RRC meeting, in the attached comment submitted by email below, was received, and to include Mr. Duke on my notice and request.

My statement will concern the rules proposed at 15A NCAC 2B .0212, .0214, .0215, .0216, .0218. My contact information, as required by 26 NCAC 05 .0105, is:

Name: R. Robert El-Jaouhari
Address: 5420 Wade Park Blvd., Ste. 300, Raleigh, NC 27607
Phone: (919)863-8718
Fax: (919)863-3489
Email: rjaouhari@cshlaw.com

As indicated by my submitted comment, my remarks will be in opposition to the proposed rules.

Many thanks, looking forward to seeing you tomorrow. Let me know if you have questions or further needs in the meantime.

Best,
Robert

Robert El-Jaouhari
Attorney at Law



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5420 Wade Park Blvd. Suite 300, Raleigh, NC 27607
Post Office Box 27808, Raleigh, NC 27611-7808



From: Amber Hilliard <ahilliard@cshlaw.com>

Sent: Wednesday, April 13, 2022 4:02 PM

To: rrc.comments@oah.nc.gov; Jennifer.everett@ncdenr.gov; christopher.ventaloro@ncdenr.gov

Cc: Patrick Mincey <pmincey@cshlaw.com>; Robert El-Jaouhari <rjaouhari@cshlaw.com>

Subject: Correspondence to NC Rules Review Commission regarding 14-Dioxane

Good afternoon,

Attached please find correspondence from Attorneys Patrick Mincey and Robert El-Jaouhari regarding the above-referenced matter. Please note that a hard copy is being sent to you via First-Class Mail, as well.

If you have any trouble accessing the attachment, or if I can be of further assistance, please let me know.

Respectfully,

Amber Hilliard
Legal Assistant

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Burgos, Alexander N

Subject: FW: [External] Rules Review Commission - Request to Speak regarding Modifications to 15A NCAC chapter 02B

From: Sullivan, Sean <ssullivan@robinsonbradshaw.com>

Sent: Monday, April 18, 2022 3:52 PM

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

Cc: 'James West' <James.West@faypwc.com>

Subject: [External] Rules Review Commission - Request to Speak regarding Modifications to 15A NCAC chapter 02B

Importance: High

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Dear Mr. Duke,

This firm represents the Fayetteville Public Works Commission ("FPWC"). I am writing to request an opportunity to speak to the Rules Review Commission during its April 21, 2022 meeting on behalf of FPWC and in favor of the Environmental Management Commission's proposed modifications to the following regulations:

15A NCAC 02B.0202
15A NCAC 02B.0208
15A NCAC 02B.0211
15A NCAC 02B.0212
15A NCAC 02B.0214
15A NCAC 02B.0215
15A NCAC 02B.0216
15A NCAC 02B.0218

Would you please confirm your receipt of this request and provide me with instructions regarding the logistics for speaking at the meeting?

Thank you in advance for your assistance with this matter.

Best regards,

Sean M. Sullivan

Robinson Bradshaw

t : 919.239.2604

434 Fayetteville Street, Suite 1600

Raleigh, NC 27601

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RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02B .0208, .0212, .0214, .0215, .0216, and .0218

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- ☒ Object, based on:
 - ☐ Lack of statutory authority
 - ☐ Unclear or ambiguous
 - ☐ Unnecessary
- ☒ Failure to comply with the APA
- ☐ Extend the period of review

COMMENT:

At the April 2021 meeting, the Rules Review Commission is scheduled to review the above referenced Rules. These Rules have received comments both in favor of and in opposition to the addition of 1,4-dioxane, a “contaminant of emerging concern”, to the surface water standards under which the State’s drinking water and surface water supply is regulated. The intent of this Staff Opinion to explain EMC’s failure to comply with the APA in enacting these Rules. Specifically, when EMC sent the entire regulatory framework, of which these Rules are part, to the Office of State Budget Management (OSBM) for certification, EMC did not comply with the requirements of the APA as to the fiscal impact analysis (“fiscal note”) for the regulation of 1,4-dioxane. While RRC generally will not substantively review a fiscal note, it is warranted in this instance, as explained below.

The RRC is required to determine whether each rule under review has met four standards stated in G.S. 150B-21.9. The relevant standard here is: Was this Rule, or amendment to this Rule, “adopted in accordance with Part 2 of this Article”? Part 2 of this Article lays out the framework under which State agencies must adopt their Rules, and it is for the RRC to ensure the agencies follow the framework.

One aspect of this framework is the required analysis of the fiscal and regulatory impact any change in the Rules may impose on the regulated public. G.S. 150B-21.4(a) states

- (a) State Funds. -- Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that would require the expenditure or distribution of funds subject to the State Budget Act, Chapter 143C of the General Statutes, it must submit the text of the proposed rule change, an analysis of the proposed rule change, and a fiscal note on the proposed rule change to the Office of State Budget and Management and obtain certification from the Office of State Budget and Management that the funds that would be required by the proposed rule change are available. The fiscal note must state the amount of funds that would be expended or distributed as a result of the proposed rule change and explain how the amount was computed. The Office of State Budget and Management must certify a proposed rule change if funds are available to cover the expenditure or distribution required by the proposed rule change.

Therefore, as this is from “Part 2 of this Article”, RRC must determine whether EMC complied with this requirement in obtaining certification from OSBM.

To comply with 21.3(a), the Regulatory Impact Analysis that was prepared by EMC, and certified by OSBM, “must state the amount of funds that would be expended or distributed as a result of the proposed rule change and explain how the amount was computed.” However, in EMC’s analysis of the impact of 1,4-dioxane, there are many qualitative statements about the anticipated costs (conventional treatment processes “are anticipated to be prohibitively expensive for local governments and the citizens served by public utilities”; schedules of compliance “will be common due to the high cost of treatment technology”; “it is worth acknowledging that the ongoing costs and benefits associated with monitoring and treatment of 1,4-dioxane are likely to be considerable”), but no quantitative assessment of costs. The assessment of quantitative costs is what the APA requires for a fiscal note (“...must state the amount of funds that would be expended...”).

Furthermore, the fiscal note is quite confusing in that in one breath it states that the costs will be considerable, but in another it states that the economic impact will be “none”, while the environmental impact will be “likely indirect, long-term benefit to human health”. There is no explanation how the benefit is quantitatively assessed beyond mere conjecture. This is not sufficient for compliance with the requirements of the APA.

In working on this rule with both the EMC and its representative at the Attorney General’s Office, EMC has argued that it does not matter whether its assessment of the costs is APA compliance because OSBM has blessed its assessment of the whole regulatory framework. However, it is important to note exactly what OSBM certifies when reviewing a fiscal note. As stated above, 21.4(a) only requires that “The Office of State Budget and Management must certify a proposed rule change if funds are available to cover the expenditure or distribution required by the proposed rule change.” OSBM is merely certifying that there are funds within the State budget to cover the amounts reported by the agency seeking certification, and OSBM did this. However, this certification is not sufficient to shield EMC from further review of its fiscal note and its assessment of costs associated with setting 1,4-dioxane standards.

Therefore, RRC should disapprove the addition of 1,4-dioxane standards by amendment to these Rules due to the insufficient fiscal note that does not comply with the APA.

1 15A NCAC 02B .0208 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0208 STANDARDS FOR TOXIC SUBSTANCES AND TEMPERATURE**

4 (a) Toxic Substances: the concentration of toxic substances, either alone or in combination with other wastes, in
5 surface waters shall not render waters injurious to aquatic life or wildlife, recreational activities, or public health, nor
6 shall it impair the waters for any designated uses. Specific standards for toxic substances to protect freshwater and
7 tidal saltwater uses are listed in Rules .0211 and .0220 of this Section, respectively. The narrative standard for toxic
8 substances and numerical standards applicable to all waters shall be interpreted as follows:

9 (1) The concentration of toxic substances shall not result in chronic toxicity to aquatic life. Any levels
10 in excess of the chronic value for aquatic life shall be considered to result in chronic toxicity. In
11 the absence of direct measurements of chronic toxicity, the concentration of toxic substances shall
12 not exceed the concentration specified by the fraction of the lowest LC50 value that predicts a no
13 effect chronic level as determined by the use of an acceptable Acute to Chronic Ratio (ACR) in
14 accordance with U.S. Environmental Protection Agency (EPA) "Guidelines for Deriving
15 Numerical Water Quality Criteria for the Protection of Aquatic Life and its Uses." In the absence
16 of an ACR, that toxic substance shall not exceed one-one hundredth (0.01) of the lowest LC50 or,
17 if it is demonstrated that a toxic substance has a half-life of less than 96 hours, the maximum
18 concentration shall not exceed one-twentieth (0.05) of the lowest LC50.

19 (2) The concentration of toxic substances shall not exceed the level necessary to protect human health
20 through exposure routes of fish tissue consumption, water consumption, recreation, or other route
21 identified for the water body. Fish tissue consumption shall include the consumption of shellfish.
22 These concentrations of toxic substances shall be determined as follows:

23 (A) For non-carcinogens, these concentrations shall be determined using a Reference Dose
24 (RfD) as published by the EPA pursuant to Section 304(a) of the Federal Water Pollution
25 Control Act as amended, a RfD issued by the EPA as listed in the Integrated Risk
26 Information System (IRIS) file, or a RfD approved by the Director after consultation with
27 the State Health director. Water quality standards or criteria used to calculate water
28 quality based effluent limitations to protect human health through the different exposure
29 routes shall be determined as follows:

30 (i) Fish tissue consumption:

31
$$WQS = (RfD \times RSC) \times \text{Body Weight} / (FCR \times BCF)$$

32 where:

33 WQS = water quality standard or criteria;

34 RfD = reference dose;

35 RSC = Relative Source Contribution;

36 FCR = fish consumption rate (based upon 17.5 gm/person-day);

BCF = bioconcentration factor or bioaccumulation factor (BAF), as appropriate.

Pursuant to Section 304(a) of the Federal Water Pollution Control Act as amended, BCF or BAF values, literature values, or site specific bioconcentration data shall be based on EPA publications; FCR values shall be average consumption rates for a 70 Kg adult for the lifetime of the population; alternative FCR values may be used when it is considered necessary to protect localized populations that may be consuming fish at a higher rate; RSC values, when made available through EPA publications pursuant to Section 304(a) of the Federal Clean Water Pollution Control Act to account for non-water sources of exposure may be either a percentage (multiplied) or amount subtracted, depending on whether multiple criteria are relevant to the chemical;

(ii) Water consumption (including a correction for fish consumption):

$$WQS = (RfD \times RSC) \times \text{Body Weight} / [WCR + (FCR \times BCF)]$$

where:

WQS = water quality standard or criteria;

RfD = reference dose;

RSC = Relative Source Contribution;

FCR = fish consumption rate (based upon 17.5 gm/person-day);

BCF = bioconcentration factor or bioaccumulation factor (BAF), as appropriate;

WCR = water consumption rate (assumed to be two liters per day for adults).

To protect sensitive groups, exposure shall be based on a 10 Kg child drinking one liter of water per day. Standards may also be based on drinking water standards based on the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. 300(f)(g)-1. For non-carcinogens, specific numerical water quality standards have not been included in this Rule because water quality standards to protect aquatic life for all toxic substances for which standards have been considered are more stringent than numerical standards to protect human health from non-carcinogens through consumption of fish. Standards to protect human health from non-carcinogens through water consumption are listed under the water supply classification standards in Rule .0211 of this Section. The equations listed in this Subparagraph shall be used to develop water quality based effluent limitations on a case-by-case basis for toxic substances that are not presently included in the water quality standards. Alternative FCR values may be used when it is necessary to protect localized populations that may be consuming fish at a higher rate;

(B) For carcinogens, the concentrations of toxic substances shall not result in unacceptable health risks and shall be based on a Carcinogenic Potency Factor (CPF). An unacceptable

health risk for cancer shall be more than one case of cancer per one million people exposed (10^{-6} risk level). The CPF is a measure of the cancer-causing potency of a substance estimated by the upper 95 percent confidence limit of the slope of a straight line calculated by the Linearized Multistage Model or other appropriate model according to U.S. Environmental Protection Agency Guidelines, FR 51 (185): 33992-34003; and FR 45 (231 Part V): 79318-79379. Water quality standards or criteria for water quality based effluent limitations shall be calculated using the procedures given in this Part and in Part (A) of this Subparagraph. Standards to protect human health from carcinogens through water consumption are listed under the water supply classification standards in Rules .0212, .0214, .0215, .0216, and .0218 of this Section. Standards to protect human health from carcinogens through the consumption of fish (and shellfish) only shall be applicable to all waters as follows:

- (i) Aldrin: 0.05 ng/l;
- (ii) Arsenic: 10 ug/l;
- (iii) Benzene: 51 ug/l;
- (iv) Carbon tetrachloride: 1.6 ug/l;
- (v) Chlordane: 0.8 ng/l;
- (vi) DDT: 0.2 ng/l;
- (vii) Dieldrin: 0.05 ng/l;
- (viii) Dioxin: 0.000005 ng/l;
- (ix) Heptachlor: 0.08 ng/l;
- (x) Hexachlorobutadiene: 18 ug/l;
- (xi) Polychlorinated biphenyls (total of all identified PCBs and congeners): 0.064 ng/l;
- (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 31.1 ng/l;
- (xiii) Tetrachloroethane (1,1,2,2): 4 ug/l;
- (xiv) Tetrachloroethylene: 3.3 ~~ug/L~~; ug/l;
- (xvi) Trichloroethylene: 30 ug/l;
- (xvii) Vinyl chloride: 2.4 ~~ug/L~~; ug/l;
- (xviii) 1,4-Dioxane: 80 ug/l.

The values listed in Subparts (i) through ~~(xvii)~~ (xviii) of this Part may be adjusted by the Commission or its designee on a case-by-case basis to account for site-specific or chemical-specific information pertaining to the assumed BCF, FCR, or CPF values or other data.

(b) Temperature: the Commission may establish a water quality standard for temperature for specific water bodies other than the standards specified in Rules .0211 and .0220 of this Section upon a case-by-case determination that thermal discharges to these waters that serve or may serve as a source or receptor of industrial cooling water provide

1 for the maintenance of the designated best use throughout a portion of the water body. Such revisions of the
2 temperature standard shall be consistent with the provisions of Section 316(a) of the Federal Water Pollution
3 Control Act, as amended. A list of such revisions shall be maintained and made available to the public by the
4 Division.

5
6 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*
7 *Eff. February 1, 1976;*
8 *Amended Eff. May 1, 2007; April 1, 2003; February 1, 1993; October 1, 1989; January 1, 1985;*
9 *September 9, 1979;*
10 *Readopted Eff. November 1, 2019;*
11 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0212 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0212 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-I**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as WS-I.
6 Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply to
7 Class WS-I waters.

8 (1) The best usage of waters classified as WS-I shall be as a source of water supply for drinking,
9 culinary, or food processing purposes for those users desiring maximum protection of their water
10 supplies in the form of the most stringent WS classification, and any best usage specified for Class
11 C waters. Class WS-I waters are waters located on land in public ownership and waters located in
12 undeveloped watersheds.

13 (2) The best usage of waters classified as WS-I shall be maintained as follows:

14 (a) Water quality standards in a WS-I watershed shall meet the requirements as specified in
15 Item (3) of this Rule.

16 (b) Wastewater and stormwater point source discharges in a WS-I watershed shall meet the
17 requirements as specified in Item (4) of this Rule.

18 (c) Nonpoint source pollution in a WS-I watershed shall meet the requirements as specified in
19 Item (5) of this Rule.

20 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
21 meet the Maximum Contaminant Level concentrations considered safe for drinking,
22 culinary, and food-processing purposes that are specified in 40 CFR Part 141 National
23 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
24 Water Supplies, 15A NCAC 18C .1500, incorporated by reference including subsequent
25 amendments and editions.

26 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
27 long-term basis shall be deemed to violate a water quality standard.

28 (f) The Class WS-I classification may be used to protect portions of Class WS-II, WS-III, and
29 WS-IV water supplies. For reclassifications occurring after the July 1, 1992 statewide
30 reclassification, a WS-I classification that is requested by local governments shall be
31 considered by the Commission if all local governments having jurisdiction in the affected
32 areas have adopted a resolution and the appropriate ordinances as required by G.S. 143-
33 214.5(d) to protect the watershed or if the Commission acts to protect a watershed when
34 one or more local governments has failed to adopt protective measures as required by this
35 Sub-Item.

36 (3) Water quality standards applicable to Class WS-I Waters shall be as follows:

- (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the aesthetic qualities of water supplies and to prevent foaming;
 - (b) Total coliforms shall not exceed 50/100 ml (MF count) as a monthly geometric mean value in watersheds serving as unfiltered water supplies;
 - (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems from chlorinated phenols;
 - (d) Solids, total dissolved: not greater than exceed 500 mg/l;
 - (e) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO₃ or Ca + Mg);
 - (f) Toxic and other deleterious substances that are non-carcinogens:
 - (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
 - (g) Toxic and other deleterious substances that are carcinogens:
 - (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) Wastewater and stormwater point source discharges in a WS-I watershed shall be permitted pursuant to 15A NCAC 02B .0104.

(5) Nonpoint source pollution in a WS-I watershed shall not have an adverse impact, as defined in 15A NCAC 02H .1002, on use as a water supply or any other designated use.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; October 1, 1995; February 1, 1993;
March 1, 1991; October 1, 1989;
Readopted Eff. November 1, 2019;
Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0214 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0214 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-II**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as
6 WS-II. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply
7 to Class WS-II waters.

- 8 (1) The best usage of waters classified as WS-II shall be as a source of water supply for drinking,
9 culinary, or food-processing purposes for those users desiring maximum protection for their water
10 supplies where a WS-I classification is not feasible as determined by the Commission in accordance
11 with Rule .0212 of this Section and any best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-II shall be maintained as follows:
- 13 (a) Water quality standards in a WS-II watershed shall meet the requirements as specified in
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-II watershed shall meet the
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-II watershed shall meet the requirements as specified
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,
21 culinary, and food-processing purposes that are specified in 40 CFR Part 141 National
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-II classification may be used to protect portions of Class WS-III and WS-IV
27 water supplies. For reclassifications of these portions of Class WS-III and WS-IV water
28 supplies occurring after the July 1, 1992 statewide reclassification, a WS-II classification
29 that is requested by local governments shall be considered by the Commission if all local
30 governments having jurisdiction in the affected areas have adopted a resolution and the
31 appropriate ordinances as required by G.S. 143-214.5(d) to protect the watershed or if the
32 Commission acts to protect a watershed when one or more local governments has failed to
33 adopt protective measures as required by this Sub-Item.
- 34 (3) Water quality standards applicable to Class WS-II Waters shall be as follows:
- 35 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
36 aesthetic qualities of water supplies and to prevent foaming;

- (b) Odor producing substances contained in sewage or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as shall not cause organoleptic effects in water supplies that cannot be corrected by treatment, impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems from chlorinated phenols;
- (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO_3 or $\text{Ca} + \text{Mg}$);
- (e) Solids, total dissolved: not greater than 500 mg/l;
- (f) Toxic and other deleterious substances that are non-carcinogens:
- (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
- (g) Toxic and other deleterious substances that are carcinogens:
- (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) Wastewater and stormwater point source discharges in a WS-II watershed shall meet the following requirements:

- (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127 shall be allowed in the entire watershed.
- (b) Discharges from trout farms that are subject to Individual NPDES Permits shall be allowed in the entire watershed.
- (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A NCAC 02H .0126 shall be allowed in the entire watershed.
- (d) No discharge of sewage, industrial, or other wastes shall be allowed in the entire watershed except for those allowed by Sub-Items (a) through (c) of this Item or Rule .0104 of this Subchapter, and none shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission, a discharger shall disclose all chemical constituents present or potentially present in their wastes and chemicals that could be spilled or be present in runoff from their facility that may have an adverse impact on downstream water quality. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances.
- (e) New domestic and industrial discharges of treated wastewater that are subject to Individual NPDES Permits shall not be allowed in the entire watershed.
- (f) No new landfills shall be allowed in the Critical Area, and no NPDES permits shall be issued for landfills that discharge treated leachate in the remainder of the watershed.
- (g) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed in the Critical Area.
- (5) Nonpoint source pollution in a WS-II watershed shall meet the following requirements:
- (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water supply or any other designated use.
- (b) Class WS-II waters shall be protected as water supplies that are located in watersheds that meet average watershed development density levels specified for Class WS-II waters in Rule .0624 of this Subchapter.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. May 10, 1979;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; January 1, 1996; October 1, 1995;
Readopted Eff. November 1, 2019;
Amended Eff. May 1, 2022.

1 15A NCAC 02B .0215 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0215 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-III**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as
6 WS-III. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also
7 apply to Class WS-III waters.

- 8 (1) The best usage of waters classified as WS-III shall be as a source of water supply for drinking,
9 culinary, or food-processing purposes for those users where a more protective WS-I or WS-II
10 classification is not feasible as determined by the Commission in accordance with Rules .0212 and
11 .0214 of this Section and any other best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-III shall be maintained as follows:
- 13 (a) Water quality standards in a WS-III watershed shall meet the requirements as specified in
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-III watershed shall meet the
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-III watershed shall meet the requirements as specified
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,
21 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-III classification may be used to protect portions of Class WS-IV water
27 supplies. For reclassifications of these portions of WS-IV water supplies occurring after
28 the July 1, 1992 statewide reclassification, a ~~WS-II classification~~ more protective
29 classification, such as WS-III, that is requested by local governments shall be considered
30 by the Commission if all local governments having jurisdiction in the affected areas have
31 adopted a resolution and the appropriate ordinances as required by G.S. 143-214.5(d) to
32 protect the watershed or if the Commission acts to protect a watershed when one or more
33 local governments has failed to adopt protective measures as required by this Sub-Item.
- 34 (3) Water quality standards applicable to Class WS-III Waters shall be as follows:
- 35 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
36 aesthetic qualities of water supplies and to prevent foaming;

- (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as shall not cause organoleptic effects in water supplies that cannot be corrected by treatment, impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems from chlorinated phenols;
- (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO_3 or $\text{Ca} + \text{Mg}$);
- (e) Solids, total dissolved: not greater than 500 mg/l;
- (f) Toxic and other deleterious substances that are non-carcinogens:
- (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
- (g) Toxic and other deleterious substances that are carcinogens:
- (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) Wastewater and stormwater point source discharges in a WS-III watershed shall meet the following requirements:

- (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127 shall be allowed in the entire watershed.
- (b) Discharges from trout farms that are subject to Individual NPDES Permits shall be allowed in the entire watershed.
- (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A NCAC 02H .0126 shall be allowed in the entire watershed.
- (d) New domestic wastewater discharges that are subject to Individual NPDES Permits shall not be allowed in the Critical Area and are allowed in the remainder of the watershed.
- (e) New industrial wastewater discharges that are subject to Individual NPDES Permits except non-process industrial discharges shall not be allowed in the entire watershed.
- (f) No discharge of sewage, industrial, or other wastes shall be allowed in the entire watershed except for those allowed by Sub-Items (a) through (e) of this Item or Rule .0104 of this Subchapter, and none shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission, a discharger shall disclose all chemical constituents present or potentially present in their wastes and chemicals that could be spilled or be present in runoff from their facility that may have an adverse impact on downstream water quality. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances.
- (g) No new landfills shall be allowed in the Critical Area, and no NPDES permits shall be issued for landfills to discharge treated leachate in the remainder of the watershed.
- (h) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed in the Critical Area.
- (5) Nonpoint source pollution in a WS-III watershed shall meet the following requirements:
- (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water supply or any other designated use.
- (b) Class WS-III waters shall be protected as water supplies that are located in watersheds that meet average watershed development density levels specified Class WS-III waters in Rule .0624 of this Subchapter.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. September 9, 1979;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; January 1, 1996; October 1, 1995;
October 1, 1989;
Readopted Eff. November 1, 2019;
Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0216 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0216 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-IV**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as WS-
6 IV. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply to
7 Class WS-IV waters.

- 8 (1) The best usage of waters classified as WS-IV shall be as a source of water supply for drinking,
9 culinary, or food-processing purposes for those users where a more protective WS-I, WS-II or WS-
10 III classification is not feasible as determined by the Commission in accordance with Rules .0212
11 through .0215 of this Section and any other best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-IV shall be maintained as follows:
- 13 (a) Water quality standards in a WS-IV watershed shall meet the requirements as specified in
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-IV watershed shall meet the
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-IV watershed shall meet the requirements as specified
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,
21 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-II or WS-III classifications may be used to protect portions of Class WS-IV
27 water supplies. For reclassifications of these portions of WS-IV water supplies occurring
28 after the July 1, 1992 statewide reclassification, a ~~WS-IV classification~~ more protective
29 classification, such as a WS-II or WS-III, that is requested by local governments shall be
30 considered by the Commission if all local governments having jurisdiction in the affected
31 areas have adopted a resolution and the appropriate ordinances as required by G.S. 143-
32 214.5(d) to protect the watershed or if the Commission acts to protect a watershed when
33 one or more local governments has failed to adopt protective measures as required by this
34 Sub-Item.
- 35 (3) Water quality standards applicable to Class WS-IV Waters shall be as follows:
- 36 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
37 aesthetic qualities of water supplies and to prevent foaming;

- (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or waste, as will not cause organoleptic effects in water supplies that cannot be corrected by treatment, impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems due to chlorinated phenols shall be allowed. Specific phenolic compounds may be given a different limit if it is demonstrated not to cause taste and odor problems and not to be detrimental to other best usage;
- (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO₃ or Ca + Mg);
- (e) Solids, total dissolved: not greater than 500 mg/l;
- (f) Toxic and other deleterious substances that are non-carcinogens:
- (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
- (g) Toxic and other deleterious substances that are carcinogens:
- (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.

- (4) Wastewater and stormwater point source discharges in a WS-IV watershed shall meet the following requirements:
- (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127 shall be allowed in the entire watershed.
 - (b) Discharges from domestic facilities, industrial facilities and trout farms that are subject to Individual NPDES Permits shall be allowed in the entire watershed.
 - (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A NCAC 02H .0126 shall be allowed in the entire watershed.
 - (d) No discharge of sewage, industrial wastes, or other wastes shall be allowed in the entire watershed except for those allowed by Sub-Items (a) through (c) of this Item or Rule .0104 of this Subchapter, and none shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission, dischargers or industrial users subject to pretreatment standards shall disclose all chemical constituents present or potentially present in their wastes and chemicals that could be spilled or be present in runoff from their facility which may have an adverse impact on downstream water supplies. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances.
 - (e) New industrial discharges of treated wastewater in the critical area shall meet the provisions of Rule .0224(c)(2)(D), (E), and (G) of this Section and Rule .0203 of this Section.
 - (f) New industrial connections and expansions to existing municipal discharges with a pretreatment program pursuant to 15A NCAC 02H .0904 shall be allowed in the entire watershed.
 - (g) No new landfills shall be allowed in the Critical Area.
 - (h) No new permitted sites for land application residuals or petroleum contaminated soils shall be allowed in the Critical Area.
- (5) Nonpoint source pollution in a WS-IV watershed shall meet the following requirements:
- (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water supply or any other designated use.
 - (b) Class WS-IV waters shall be protected as water supplies that are located in watersheds that meet average watershed development density levels specified for Class WS-IV waters in Rule .0624 of this Subchapter.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. February 1, 1986;*

1 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; June 1, 1996; October 1, 1995; August*
2 *1, 1995; June 1, 1994;*
3 *Readopted Eff. November 1, 2019;*
4 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0218 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0218 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-V**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as
6 WS-V. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply
7 to Class WS-V waters.

8 (1) The best usage of waters classified as WS-V shall be as waters that are protected as water supplies
9 which are generally upstream and draining to Class WS-IV waters; waters previously used for
10 drinking water supply purposes; or waters used by industry to supply their employees, but not
11 municipalities or counties, with a raw drinking water supply source, although this type of use is not
12 restricted to WS-V classification; and all Class C uses.

13 (2) The best usage of waters classified as WS-V shall be maintained as follows:

14 (a) Water quality standards in a WS-V water shall meet the requirements as specified in Item
15 (3) of this Rule.

16 (b) Wastewater and stormwater point source discharges in a WS-V water shall meet the
17 requirements as specified in Item (4) of this Rule.

18 (c) Nonpoint source pollution in a WS-V water shall meet the requirements as specified in
19 Item (5) of this Rule.

20 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
21 meet the Maximum Contaminant Level concentrations considered safe for drinking,
22 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National
23 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
24 Water Supplies, 15A NCAC 18C .1500.

25 (e) The Commission or its designee may apply management requirements for the protection
26 of waters downstream of receiving waters provided in Rule .0203 of this Section.

27 (f) The Commission shall consider a more protective classification for the water supply if a
28 resolution requesting a more protective classification is submitted from all local
29 governments having land use jurisdiction within the affected watershed.

30 (g) Sources of water pollution that preclude any of the best uses on either a short-term or
31 long-term basis shall be deemed to violate a water quality standard;

32 (3) Water quality standards applicable to Class WS-V Waters shall be as follows:

33 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
34 aesthetic qualities of water supplies and to prevent foaming;

35 (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only
36 such amounts, whether alone or in combination with other substances or waste, as will not
37 cause organoleptic effects in water supplies that can not be corrected by treatment, impair

- the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems due to chlorinated phenols. Specific phenolic compounds may be given a different limit if it is demonstrated not to cause taste and odor problems and not to be detrimental to other best usage;
 - (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO_3 or $\text{Ca} + \text{Mg}$);
 - (e) Solids, total dissolved: not greater than 500 mg/l;
 - (f) Toxic and other deleterious substances that are non-carcinogens:
 - (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
 - (g) Toxic and other deleterious substances that are carcinogens:
 - (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) No discharge of sewage, industrial wastes, or other wastes shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission,

1 dischargers or industrial users subject to pretreatment standards shall disclose all chemical
2 constituents present or potentially present in their wastes and chemicals that could be spilled or be
3 present in runoff from their facility which may have an adverse impact on downstream water quality.
4 These facilities may be required to have spill and treatment failure control plans as well as perform
5 special monitoring for toxic substances.

- 6 (5) Nonpoint Source pollution in a WS-V water shall not have an adverse impact on waters for use as
7 water supply or any other designated use.

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9 *History Note:* *Authority G.S. 143-214.1; 143-215.3(a)(1);*

10 *Eff. October 1, 1989;*

11 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; October 1, 1995;*

12 *Readopted Eff. November 1, 2019;*

13 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0202 is amended as published in 35:22 NCR 2407-2433 with changes as follows:

2
3 **15A NCAC 02B .0202 DEFINITIONS**

4 The definition of any word or phrase used in this Section shall be the same as given in G.S. 143, Article 21. The
5 following words and ~~phrases, phrases which are not defined in this article,~~ shall be ~~interpreted~~ defined as follows:

- 6 (1) "Acute toxicity to aquatic life" means lethality or other harmful effects sustained by either resident
7 aquatic populations or indicator species used as test organisms in a controlled toxicity test due to a
8 short-term exposure (relative to the life cycle of the organism) of 96 hours or less to a specific
9 chemical or mixture of chemicals (as in an effluent). Acute toxicity shall be determined using the
10 following procedures:
- 11 (a) for specific chemical constituents or compounds, acceptable levels shall be equivalent to a
12 concentration of one-half or less of the Final Acute Value (FAV) as determined according
13 to "Guidelines for Deriving Numerical Water Quality Criteria for the Protection of Aquatic
14 Life and its Uses" published by the Environmental Protection Agency and referenced in
15 the Federal Register (50 FR 30784, July 29, 1985) which is incorporated by reference
16 including subsequent amendments and editions.
- 17 (b) for specific chemical constituents or compounds for which values described under Sub-
18 Item (a) of this Item cannot be determined, acceptable levels shall be equivalent to a
19 concentration of one-third or less of the lowest available LC50 value.
- 20 (c) for effluents, acceptable levels shall be defined as no statistically measurable lethality (99
21 percent confidence level using Student's t-test) during a specified exposure period.
22 Concentrations of exposure shall be based on permit requirements and procedures in
23 accordance with 15A NCAC 02H .1110.
- 24 (d) in instances where detailed dose response data indicate that levels of acute toxicity are
25 different from those defined in this Rule, the Director may determine on a case-by-case
26 basis an alternate acceptable level through statistical analyses of the dose response in
27 accordance with 15A NCAC 02H .1110.
- 28 (2) "Acute to Chronic Ratio" or "ACR" means the ratio of acute toxicity expressed as an LC50 for a
29 specific toxicant or an effluent to the chronic value for the same toxicant or effluent.
- 30 (3) "Agricultural uses" means the use of waters for stock watering, irrigation, and other farm purposes.
- 31 (4) "Applicator" means any person, firm, corporation, wholesaler, retailer, or distributor; any local,
32 State, or federal governmental agency; or any other person who applies fertilizer to the land of a
33 consumer or client or to land that they own, lease, or otherwise hold rights.
- 34 (5) "Approved treatment," as applied to water supplies, means treatment approved by the Division in
35 accordance with 15A NCAC 18C .0301 through .0309, as authorized by G.S. 130A-315 and G.S.
36 130A-317.

- (6) "Attainable water uses" means uses that can be achieved by the imposition of effluent limits and cost effective and reasonable best management practices (BMP) for nonpoint source control.
- ~~(7)~~ "Available cyanide" means inorganic cyanides that are free (HCN and CN^-) and metal-cyanide complexes that are dissociated into free cyanide ions under mildly acidic conditions (pH 3 to 6).
- ~~(7)~~(8) "Average" means the arithmetical average of the analytical results of all representative samples taken under prevailing environmental conditions during a specified period (for example: daily, weekly, or monthly).
- ~~(8)~~(9) "Best Management Practice" or "BMP" means a structural or nonstructural management-based practice used singularly or in combination to reduce point source or nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- ~~(9)~~(10) "Best usage" or "Best use" of waters, as specified for each class, means those uses as determined by the Environmental Management Commission in accordance with the provisions of G.S. 143-214.1.
- ~~(10)~~(11) "Bioaccumulation factor" or "BAF" means a unitless value that describes the degree to which substances are taken up or accumulated into tissues of aquatic organisms from water directly and from food or other ingested materials containing the accumulated substances, and is measured as a ratio of a substance's concentration in tissue versus its concentration in water in situations where exposure to the substance occurs from both water and the food chain.
- ~~(11)~~(12) "Bioconcentration factor" or "BCF" means a unitless value that describes the degree to which substances are absorbed or concentrated into tissues of aquatic organisms from water directly and is measured as a ratio of substance's concentration in tissue versus its concentration in water in situations where exposure to the substance occurs from water only.
- ~~(12)~~(13) "Biological integrity" means the ability of an aquatic ecosystem to support and maintain a balanced and indigenous community of organisms having species composition, diversity, population densities, and functional organization similar to that of reference conditions.
- ~~(13)~~(14) "Buffer" means a natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.
- ~~(14)~~(15) "Chronic toxicity to aquatic life" means any harmful effect sustained by either resident aquatic populations or indicator species used as test organisms in a controlled toxicity test due to long-term exposure (relative to the life cycle of the organism) or exposure during a substantial portion of the duration of a sensitive period of the life cycle to a specific chemical substance or mixture of chemicals (as in an effluent). In absence of extended periods of exposure, early life stage or reproductive toxicity tests may be used to define chronic impacts.
- ~~(15)~~(16) "Chronic value for aquatic life" means the geometric mean of two concentrations identified in a controlled toxicity test as the No Observable Effect Concentration (NOEC) and the Lowest Observable Effect Concentration (LOEC).

~~(16)~~(17) "Commercial applicator" means any person, firm, corporation, wholesaler, retailer, distributor, or any other person who for hire or compensation applies fertilizer to the land of a consumer or client.

~~(17)~~(18) "Concentration" means the mass of a substance per volume of water and, for the purposes of this Section, shall be expressed as milligrams per liter (mg/l), micrograms per liter (ug/l), or nanograms per liter (ng/l).

~~(18)~~(19) "Contiguous" means those wetlands landward of the mean high water line or normal water level and within 575 feet of classified surface waters that appear as solid blue lines on the most recently published versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps, which are available at no cost at <http://www.usgs.gov/pubprod/>.

~~(19)~~(20) "Critical area" means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than risk associated with pollution from the remaining portions of the watershed. The boundary of a critical area is defined as:

- (a) extending either 1/2 mile in a straight line fashion upstream from and draining to the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever is nearest the normal pool elevation of the reservoir;
- (b) extending either 1/2 mile in a straight line fashion upstream from and draining to the intake (or other appropriate downstream location associated with the water supply) located directly in the stream or river (run-of-the-river) or to the ridge line of the watershed, whichever is nearest the intake; or
- (c) extending a different distance from the reservoir or intake as adopted by the Commission during the reclassification process pursuant to Rule .0104 of this Subchapter.

Since WS-I watersheds are essentially undeveloped, establishment of a critical area is not required.

~~(20)~~(21) "Cropland" means agricultural land that is not covered by a certified animal waste management plan and is used for growing corn, grains, oilseed crops, cotton, forages, tobacco, beans, or other vegetables or fruits.

~~(21)~~(22) "Designated Nonpoint Source Agency" means an agency specified by the Governor in the North Carolina Nonpoint Source Management Program, as approved by the Environmental Protection Agency pursuant to the 1987 amendments to the federal Clean Water Act 33 U.S.C. 1329 that established Section 319 Nonpoint source management programs.

~~(22)~~(23) "Director" means the Director of the Division.

~~(23)~~(24) "Discharge" means the addition of any man-induced waste effluent either directly or indirectly to State surface waters.

~~(24)~~(25) "Division" means the Division of Water Resources or its successors.

~~(25)~~(26) "Domestic wastewater discharge" means the discharge of sewage, non-process industrial wastewater, other domestic wastewater, or any combination of these items. Domestic wastewater includes, but is not limited to, liquid waste generated by domestic water using fixtures and appliances from any residence, place of business, or place of public assembly, even if it contains no

sewage. Examples of domestic wastewater include once-through non-contact cooling water, seafood packing facility discharges, and wastewater from restaurants.

(26)(27) "Effluent channel" means a discernable confined and discrete conveyance that is used for transporting treated wastewater to a receiving stream or other body of water, as provided in Rule .0228 of this Section.

(27)(28) "Existing uses" mean uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

(28)(29) "Fertilizer" means any substance containing nitrogen or phosphorus that is used primarily as plant food.

(29)(30) "Fishing" means the taking of fish by recreational or commercial methods, the consumption of fish or shellfish, the propagation of fish, or the propagation of other aquatic life as is necessary to protect the biological integrity of the environment for fish.

(30)(31) "Forest vegetation" means the plants of an area that grow in disturbed or undisturbed conditions in wooded plant communities in any combination of trees, saplings, shrubs, vines, and herbaceous plants, including mature and successional forests and cutover stands.

(31)(32) "Freshwater" means all waters that under natural conditions have a chloride ion content of 500 mg/l or less.

(32)(33) "Industrial discharge" means the discharge of industrial process treated wastewater or wastewater other than sewage. Stormwater shall not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater. Industrial discharge includes:

- (a) wastewater resulting from any process of industry or manufacture or from the development of any natural resource;
- (b) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants; and
- (c) for the purpose of prohibiting discharges to waters classified as Water Supply (WS) in accordance with Rules .0212, .0214, .0215, .0216, and .0218 of this Section, wastewater discharged from a municipal wastewater treatment plant ~~requiring~~ required to administer a pretreatment program pursuant to 15A NCAC 02H .0904.

(33)(34) "Land-disturbing activity" means any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

(34)(35) "LC50" means that concentration of a toxic substance that is lethal or immobilizing to 50 percent of the sensitive aquatic toxicity testing species tested during a specified exposure period, as required by NPDES permit, under aquatic conditions characteristic of the receiving waters. Sensitive species for aquatic toxicity testing is defined by Subparagraph (50) of this Rule.

(35)(36) "Lentic" means an aquatic ecosystem with standing or slow flowing water such as a lake, pond, or reservoir.

1 ~~(35)~~~~(36)~~~~(37)~~ "Local government" means a city or county in singular or plural as defined in G.S.
2 160A-1(2) and G.S. 158A-10.

3 ~~(37)~~~~(38)~~ "Lotic" means an aquatic ecosystem with rapidly flowing water such as a stream or river.

4 ~~(36)~~~~(38)~~~~(39)~~ "Lower piedmont and coastal plain waters" means those waters of the Catawba River Basin
5 below Lookout Shoals Dam; the Yadkin River Basin below the junction of the Forsyth, Yadkin, and
6 Davie County lines; and all of the waters of Cape Fear, Lumber, Roanoke, Neuse, Tar-Pamlico,
7 Chowan, Pasquotank, and White Oak River Basins; except tidal salt waters which are assigned S
8 classifications.

9 ~~(37)~~~~(39)~~~~(40)~~ "MF" means the membrane filter procedure for bacteriological analysis.

10 ~~(38)~~~~(40)~~~~(41)~~ "Mixing zone" means a region of the receiving water in the vicinity of a discharge within
11 which dispersion and dilution of constituents in the discharge occurs. Zones shall be subject to
12 conditions established in accordance with Rule .0204(b) of this Section.

13 ~~(39)~~~~(41)~~~~(42)~~ "Mountain and upper piedmont waters" means all of the waters of the Hiwassee; Little
14 Tennessee, including the Savannah River drainage area; French Broad; Broad; New; and Watauga
15 River Basins; and those portions of the Catawba River Basin above Lookout Shoals Dam and the
16 Yadkin River Basin above the junction of the Forsyth, Yadkin, and Davie County lines.

17 ~~(40)~~~~(42)~~~~(43)~~ "Nonpoint source pollution" means pollution that enters waters mainly as a result of
18 precipitation and subsequent runoff from lands that have been disturbed by man's activities and
19 includes all sources of water pollution that are not required to have a permit in accordance with G.S.
20 143-215.1(c).

21 ~~(41)~~~~(43)~~~~(44)~~ "Non-process discharge" means industrial effluent not directly resulting from the
22 manufacturing process. An example is non-contact cooling water from a compressor.

23 ~~(42)~~~~(44)~~~~(45)~~ "Offensive condition" means any condition or conditions resulting from the presence of
24 sewage, industrial wastes, or other wastes within the waters of the State or along the shorelines
25 thereof that shall either directly or indirectly cause foul or noxious odors, unsightly conditions, or
26 breeding of abnormally large quantities of mosquitoes or other insect pests; damage private or public
27 water supplies or other structures; result in the development of gases which destroy or damage
28 surrounding property, ~~herbage~~ ~~herbage~~, or grasses; cause the impairment of taste such as from fish
29 flesh tainting; or affect the health of any person residing or working in the area.

30 ~~(43)~~~~(45)~~~~(46)~~ "Primary contact recreation" means swimming, diving, skiing, and similar uses involving
31 human body contact with water where such activities take place in an organized or on a frequent
32 basis.

33 ~~(44)~~~~(46)~~~~(47)~~ "Primary nursery area" or "PNA" means tidal saltwaters that provide essential habitat for
34 the early development of commercially important fish and shellfish and are so designated by the
35 Marine Fisheries Commission.

(45)(47)(48) "Protected area" means the area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundary of a protected area is defined as:

- (a) extending either five miles in an as-the-river-runs manner upstream from and draining to the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever is nearest the normal pool elevation of the reservoir;
- (b) extending either 10 miles in an as-the-river-runs manner upstream from and draining to the intake located directly in the stream or river run-of-the-river or to the ridge line of the watershed, whichever is nearest the intake. In some cases the protected area shall encompass the entire watershed; or
- (c) extending a different distance from the reservoir or intake as adopted by the Commission during the reclassification process pursuant to Rule .0104 of this Subchapter.

(46)(48)(49) "Residential development" means buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.

(47)(49)(50) "Residuals" has the same meaning as in 15A NCAC 02T .0103.

(48)(50)(51) "Riparian area" means an area that is adjacent to a body of water.

(49)(51)(52) "Secondary contact recreation" means wading, boating, other uses not involving human body contact with water, and activities involving human body contact with water where such activities take place on an infrequent, unorganized, or incidental basis.

(50)(52)(53) "Sensitive species for aquatic toxicity testing" means any species utilized in procedures accepted by the Commission or its designee in accordance with Rule .0103 of this Subchapter, and the following genera:

(a)(f) Daphnia;

(b) Ceriodaphnia;

(c)(o) Salmo;

(d)(n) Pimephales;

(e)(i) Mysisopsis;

(f)(c) Chamaea;

(g)(e) Cyprinodon;

(h)(a) Arbacia;

(i)(m) Penaeus;

(j)(i) Menidia;

(k) Notropis;

(l)(p) Salvelinus;

(m)(l) Oncorhynchus;

(n)(q) ~~Selenastrum~~; Selenastrum.

1 ~~(e)~~(d) Chironomus;
2 ~~(p)~~(g) Hyalella;
3 ~~(q)~~(h) Lumbriculus. Lumbriculus:
4 ~~(51)~~~~(53)~~~~(54)~~ "Shellfish culture" means the use of waters for the propagation, storage, and gathering of
5 oysters, clams, and other shellfish for market purposes.
6 ~~(52)~~~~(54)~~~~(55)~~ "Swamp waters" means those waters that are classified as such by the Environmental
7 Management Commission, pursuant to Rule .0101 of this Subchapter, and that have natural
8 characteristics due to topography, such as low velocity, dissolved oxygen, or pH, that are different
9 from streams draining steeper topography.
10 ~~(53)~~~~(55)~~~~(56)~~ "Tidal salt waters" means all waters that have a natural chloride ion content in excess of
11 500 parts per million.
12 ~~(54)~~~~(56)~~~~(57)~~ "Toxic substance" or "Toxicant" means any substance or combination of substances
13 (including disease-causing agents) that, after discharge and upon exposure, ingestion, inhalation, or
14 assimilation into any organism, either directly from the environment or indirectly by ingestion
15 through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer,
16 genetic mutations, physiological malfunctions (including malfunctions or suppression in
17 reproduction or growth), or physical deformities in such organisms or their offspring.
18 ~~(55)~~~~(57)~~~~(58)~~ "Trout waters" means those waters that are classified as such by the Environmental
19 Management Commission, pursuant to Rule .0101 of this Subchapter, and have conditions that
20 sustain and allow for natural trout propagation and survival and for year-round maintenance of
21 stocked trout.
22 ~~(56)~~~~(58)~~~~(59)~~ "Water dependent structures" means those structures that require access or proximity to or
23 siting within surface waters to fulfill its purpose, such as boat ramps, boat houses, docks, and
24 bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and
25 commercial boat storage areas are not water dependent structures.
26 ~~(57)~~~~(59)~~~~(60)~~ "Water quality based effluent limits (or limitations) and management practices" mean
27 limits and practices developed by the Division to protect water quality standards and best uses of
28 surface waters, consistent with the requirements of G.S. 143-214.1 and the federal Water Pollution
29 Control Act, as amended.
30 ~~(58)~~~~(60)~~~~(61)~~ "Waters with quality higher than the standards" means waters that the Director determines
31 (pursuant to Rule .0206 of this Section) have the capacity to receive additional pollutant loading and
32 continue to meet applicable water quality standards.
33 ~~(59)~~~~(61)~~~~(62)~~ "Watershed" means a natural area of drainage, including all tributaries contributing to the
34 supply of at least one major waterway within the State, the specific limits of each separate watershed
35 to be designated by the Commission as defined by G.S. 143-213(21).
36 ~~(60)~~~~(62)~~~~(63)~~ "WER" or "Water effect ratio" expresses the difference between the measures of the
37 toxicity of a substance in laboratory waters and the toxicity in site water.

1 (61)(63)(64) "Wetlands" are "waters" as defined by G.S. 143-212(6) that are inundated or saturated by
2 an accumulation of surface or ground water at a frequency and duration sufficient to support, and
3 that under normal circumstances do support, a prevalence of vegetation typically adapted for life in
4 saturated soil conditions. Wetlands do not include prior converted cropland as defined in the
5 National Food Security Act Manual, Fifth Edition, which is hereby incorporated by reference, not
6 including subsequent amendments and editions, and is available free of charge at
7 <https://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=29340>.
8

9 *History Note: Authority G.S. 143-213; 143-214.1; 143-215.3(a)(1);*
10 *Eff. February 1, 1976;*
11 *Amended Eff. August 1, 1995; February 1, 1993; August 3, 1992; August 1, 1990;*
12 *RRC Objection Eff. July 18, 1996 due to lack of authority and ambiguity;*
13 *Amended Eff. August 1, 1998; October 1, 1996;*
14 *Readopted Eff. ~~November 1, 2019.~~ November 1, 2019;*
15 *Amended Eff. May 1, 2022.*
16

1 15A NCAC 02B .0208 is amended as published in 35:22 NCR 2407-2433 with changes as follows:

2
3 **15A NCAC 02B .0208 STANDARDS FOR TOXIC SUBSTANCES AND TEMPERATURE**

4 (a) Toxic Substances: the concentration of toxic substances, either alone or in combination with other wastes, in
5 surface waters shall not render waters injurious to aquatic life or wildlife, recreational activities, or public health, nor
6 shall it impair the waters for any designated uses. Specific standards for toxic substances to protect freshwater and
7 tidal saltwater uses are listed in Rules .0211 and .0220 of this Section, respectively. The narrative standard for toxic
8 substances and numerical standards applicable to all waters shall be interpreted as follows:

9 (1) The concentration of toxic substances shall not result in chronic toxicity to aquatic life. Any levels
10 in excess of the chronic value for aquatic life shall be considered to result in chronic toxicity. In the
11 absence of direct measurements of chronic toxicity, the concentration of toxic substances shall not
12 exceed the concentration specified by the fraction of the lowest LC50 value that predicts a no effect
13 chronic level as determined by the use of an acceptable Acute to Chronic Ratio (ACR) in accordance
14 with U.S. Environmental Protection Agency (EPA) "Guidelines for Deriving Numerical Water
15 Quality Criteria for the Protection of Aquatic Life and its Uses." In the absence of an ACR, that
16 toxic substance shall not exceed one-one hundredth (0.01) of the lowest LC50 or, if it is
17 demonstrated that a toxic substance has a half-life of less than 96 hours, the maximum concentration
18 shall not exceed one-twentieth (0.05) of the lowest LC50.

19 (2) The concentration of toxic substances shall not exceed the level necessary to protect human health
20 through exposure routes of fish tissue consumption, water consumption, recreation, or other route
21 identified for the water body. Fish tissue consumption shall include the consumption of shellfish.
22 These concentrations of toxic substances shall be determined as follows:

23 (A) For non-carcinogens, these concentrations shall be determined using a Reference Dose
24 (RfD) as published by the EPA pursuant to Section 304(a) of the Federal Water Pollution
25 Control Act as amended, a RfD issued by the EPA as listed in the Integrated Risk
26 Information System (IRIS) file, or a RfD approved by the Director after consultation with
27 the State Health director. Water quality standards or criteria used to calculate water quality
28 based effluent limitations to protect human health through the different exposure routes
29 shall be determined as follows:

30 (i) Fish tissue consumption:

31
$$WQS = (RfD \times RSC) \times \text{Body Weight} / (FCR \times BCF)$$

32 where:

33 WQS = water quality standard or criteria;

34 RfD = reference dose;

35 RSC = Relative Source Contribution;

36 FCR = fish consumption rate (based upon 17.5 gm/person-day);

BCF = bioconcentration factor or bioaccumulation factor (BAF), as appropriate.

Pursuant to Section 304(a) of the Federal Water Pollution Control Act as amended, BCF or BAF values, literature values, or site specific bioconcentration data shall be based on EPA publications; FCR values shall be average consumption rates for a 70 Kg adult for the lifetime of the population; alternative FCR values may be used when it is considered necessary to protect localized populations that may be consuming fish at a higher rate; RSC values, when made available through EPA publications pursuant to Section 304(a) of the Federal Clean Water Pollution Control Act to account for non-water sources of exposure may be either a percentage (multiplied) or amount subtracted, depending on whether multiple criteria are relevant to the chemical;

(ii) Water consumption (including a correction for fish consumption):

$$WQS = (RfD \times RSC) \times \text{Body Weight} / [WCR + (FCR \times BCF)]$$

where:

WQS = water quality standard or criteria;

RfD = reference dose;

RSC = Relative Source Contribution;

FCR = fish consumption rate (based upon 17.5 gm/person-day);

BCF = bioconcentration factor or bioaccumulation factor (BAF), as appropriate;

WCR = water consumption rate (assumed to be two liters per day for adults).

To protect sensitive groups, exposure shall be based on a 10 Kg child drinking one liter of water per day. Standards may also be based on drinking water standards based on the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. 300(f)(g)-1. For non-carcinogens, specific numerical water quality standards have not been included in this Rule because water quality standards to protect aquatic life for all toxic substances for which standards have been considered are more stringent than numerical standards to protect human health from non-carcinogens through consumption of fish. Standards to protect human health from non-carcinogens through water consumption are listed under the water supply classification standards in Rule .0211 of this Section. The equations listed in this Subparagraph shall be used to develop water quality based effluent limitations on a case-by-case basis for toxic substances that are not presently included in the water quality standards. Alternative FCR values may be used when it is necessary to protect localized populations that may be consuming fish at a higher rate;

(B) For carcinogens, the concentrations of toxic substances shall not result in unacceptable health risks and shall be based on a Carcinogenic Potency Factor (CPF). An unacceptable

health risk for cancer shall be more than one case of cancer per one million people exposed (10⁻⁶ risk level). The CPF is a measure of the cancer-causing potency of a substance estimated by the upper 95 percent confidence limit of the slope of a straight line calculated by the Linearized Multistage Model or other appropriate model according to U.S. Environmental Protection Agency Guidelines, FR 51 (185): 33992-34003; and FR 45 (231 Part V): 79318-79379. Water quality standards or criteria for water quality based effluent limitations shall be calculated using the procedures given in this Part and in Part (A) of this Subparagraph. Standards to protect human health from carcinogens through water consumption are listed under the water supply classification standards in Rules .0212, .0214, .0215, .0216, and .0218 of this Section. Standards to protect human health from carcinogens through the consumption of fish (and shellfish) only shall be applicable to all waters as follows:

- (i) Aldrin: 0.05 ng/l;
- (ii) Arsenic: 10 ug/l;
- (iii) Benzene: 51 ug/l;
- (iv) Carbon tetrachloride: 1.6 ug/l;
- (v) Chlordane: 0.8 ng/l;
- (vi) DDT: 0.2 ng/l;
- (vii) Dieldrin: 0.05 ng/l;
- (viii) Dioxin: 0.000005 ng/l;
- (ix) Heptachlor: 0.08 ng/l;
- (x) Hexachlorobutadiene: 18 ug/l;
- (xi) Polychlorinated biphenyls (total of all identified PCBs and congeners): 0.064 ng/l;
- (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 31.1 ng/l;
- (xiii) Tetrachloroethane (1,1,2,2): 4 ug/l;
- (xiv) Tetrachloroethylene: 3.3 ~~ug/L~~; ug/l;
- ~~(xvi)~~(xv) Trichloroethylene: 30 ug/l;
- ~~(xvii)~~(xvi) Vinyl chloride: 2.4 ~~ug/L~~; ug/l;
- ~~(xviii)~~(xvii) 1,4-Dioxane: 80 ug/l.

The values listed in Subparts (i) through ~~(xviii)~~ (xvii) of this Part may be adjusted by the Commission or its designee on a case-by-case basis to account for site-specific or chemical-specific information pertaining to the assumed BCF, FCR, or CPF values or other data.

(b) Temperature: the Commission may establish a water quality standard for temperature for specific water bodies other than the standards specified in Rules .0211 and .0220 of this Section upon a case-by-case determination that thermal discharges to these waters that serve or may serve as a source or receptor of industrial cooling water provide for the maintenance of the designated best use throughout a portion of the water body. Such revisions of the

1 temperature standard shall be consistent with the provisions of Section 316(a) of the Federal Water Pollution Control
2 Act, as amended. A list of such revisions shall be maintained and made available to the public by the Division.

3
4 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*
5 *Eff. February 1, 1976;*
6 *Amended Eff. May 1, 2007; April 1, 2003; February 1, 1993; October 1, 1989; January 1, 1985;*
7 *September 9, 1979;*
8 *Readopted Eff. ~~November 1, 2019.~~ November 1, 2019.*
9 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0211 is amended as published in 35:22 NCR 2407-2433 with changes as follows:

2
3 **15A NCAC 02B .0211 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS C WATERS**

4 In addition to the standards set forth in Rule .0208 of this Section, the following water quality standards shall apply
5 to all Class C waters. Additional standards applicable to other freshwater classifications are specified in Rules .0212,
6 .0214, .0215, .0216, .0218, .0219, .0223, .0224, .0225, and .0231 of this Section.

- 7 (1) The best usage of waters shall be aquatic life propagation, survival, and maintenance of biological
8 integrity (including fishing and fish); wildlife; secondary contact ~~recreation as defined in Rule .0202~~
9 ~~of this Section;~~ **recreation**; agriculture; and any other usage except for primary contact recreation or
10 as a source of water supply for drinking, culinary, and food processing purposes. All freshwaters
11 shall be classified to protect these uses at a minimum.
- 12 (2) The conditions of waters shall be such that waters are suitable for all best uses specified in this Rule.
13 Sources of water pollution that preclude any of these uses on either a short-term or long-term basis
14 shall be deemed to violate a water quality standard;
- 15 (3) Chlorine, total residual: 17 ug/l;
- 16 (4) Chlorophyll a (corrected): not greater than 40 ug/l for lakes, reservoirs, and other waters subject to
17 growths of macroscopic or microscopic vegetation not designated as trout waters, and not greater
18 than 15 ug/l for lakes, reservoirs, and other waters subject to growths of macroscopic or microscopic
19 vegetation designated as trout waters (not applicable to lakes or reservoirs less than 10 acres in
20 surface area). The Commission or its designee may prohibit or limit any discharge of waste into
21 surface waters if the surface waters experience or the discharge would result in growths of
22 microscopic or macroscopic vegetation such that the standards established pursuant to this Rule
23 would be violated or the intended best usage of the waters would be impaired;
- 24 (5) Cyanide, ~~free or~~ **available** or total: 5.0 ug/l;
- 25 (6) Dissolved oxygen: not less than 6.0 mg/l for trout waters; for non-trout waters, not less than a daily
26 average of 5.0 mg/l with an instantaneous value of not less than 4.0 mg/l; swamp waters, lake coves,
27 or backwaters, and lake bottom waters may have lower values if caused by natural conditions;
- 28 (7) Fecal coliform: shall not exceed a geometric mean of 200/100ml (MF count) based upon at least
29 five samples taken over a 30-day period, nor exceed 400/100ml in more than 20 percent of the
30 samples examined during such period. Violations of this Item are expected during rainfall events
31 and may be caused by uncontrollable nonpoint source pollution. All coliform concentrations shall
32 be analyzed using the membrane filter technique. If high turbidity or other conditions would cause
33 the membrane filter technique to produce inaccurate data, the most probable number (MPN) 5-tube
34 multiple dilution method shall be used.
- 35 (8) Floating solids, settleable solids, or sludge deposits: only such amounts attributable to sewage,
36 industrial wastes, or other wastes as shall not make the water unsafe or unsuitable for aquatic life
37 and wildlife or impair the waters for any designated uses;

- (9) Fluoride: 1.8 mg/l;
- (10) Gases, total dissolved: not greater than 110 percent of saturation;
- (11) Metals:
- (a) With the exception of ~~mercury and selenium~~, mercury, acute and chronic freshwater aquatic life standards for metals shall be based upon measurement of the dissolved fraction of the metal. Mercury ~~and selenium~~ water quality standards shall be based upon measurement of the total recoverable metal;
- (b) With the exception of ~~mercury and selenium~~, mercury, aquatic life standards for metals listed in this Sub-Item shall apply as a function of the pollutant's water effect ratio (WER). The WER shall be assigned a value equal to one unless any person demonstrates to the Division's satisfaction in a permit proceeding that another value is developed in accordance with the "Water Quality Standards Handbook: Second Edition" published by the US Environmental Protection Agency (EPA-823-B-12-002), which is hereby incorporated by reference, including subsequent amendments and editions, and can be obtained free of charge at <http://water.epa.gov/scitech/swguidance/standards/handbook/>. Alternative site-specific standards may also be developed when any person submits values that demonstrate to the Commission that they were derived in accordance with the "Water Quality Standards Handbook: Second Edition, Recalculation Procedure or the Resident Species Procedure", which is hereby incorporated by reference including subsequent amendments and can be obtained free of charge at <http://water.epa.gov/scitech/swguidance/standards/handbook/>.
- (c) Freshwater metals standards that are not hardness-dependent shall be as follows:
- (i) Arsenic, dissolved, acute: WER· 340 ug/l;
- (ii) Arsenic, dissolved, chronic: WER· 150 ug/l;
- (iii) Beryllium, dissolved, acute: WER· 65 ug/l;
- (iv) Beryllium, dissolved, chronic: WER· 6.5 ug/l;
- (v) Chromium VI, dissolved, acute: WER· 16 ug/l;
- (vi) Chromium VI, dissolved, chronic: WER· 11 ug/l;
- (vii) Mercury, total recoverable, chronic: 0.012 ug/l;
- ~~(viii) Selenium, total recoverable, chronic: 5 ug/l;~~
- ~~(ix)(viii)~~ Silver, dissolved, chronic: WER· 0.06 ug/l;
- (d) Selenium, chronic: The standard for chronic selenium has the following components: fish egg/ovary tissue, fish whole body or muscle tissue, and water column (lentic and lotic). These components shall be used in the following order of preference provided data is available:
- (i) Fish egg/ovary tissue;
- (ii) Fish whole body or muscle tissue;
- (iii) Water column.

Fish tissue concentrations are determined as dry weight and water column concentrations are based on the dissolved fraction of selenium. Fish tissue components are expressed as steady-state concentrations and provide instantaneous point measurements that reflect integrative accumulation of selenium over time and space in fish populations at a given site. Fish tissue components supersede the water column element component when both fish tissue and water concentrations are measured. Egg-ovary tissue results, where available, supersede all other tissue elements and water column concentrations components. The chronic selenium standards are as follows:

Component		Magnitude	Duration
Fish tissue	Fish egg/ovary tissue	15.1 mg/kg	Instantaneous
	Fish whole body or muscle tissue	8.5 mg/kg whole body 11.3 mg/kg muscle	Instantaneous
Water column	Lentic or Lotic	1.5 ug/l lentic 3.1 ug/l lotic	30-day average 30-day average

- (4)(c) Hardness-dependent freshwater metals standards shall be derived using the equations specified in Table A: Dissolved Freshwater Standards for Hardness-Dependent Metals. If the actual instream hardness (expressed as CaCO₃ or Ca+Mg) is less than 400 mg/l, standards shall be calculated based upon the actual instream hardness. If the instream hardness is greater than 400 mg/l, the maximum applicable hardness shall be 400 mg/l.
- Table A: Dissolved Freshwater Standards for Hardness-Dependent Metals
- Numeric standards calculated at 25 mg/l hardness are listed below for illustrative purposes. The Water Effects Ratio (WER) is equal to one unless determined otherwise under Sub-Item (11)(b) of this Rule.

Metal	Equations for Hardness-Dependent Freshwater Metals (ug/l)	Standard at 25 mg/l hardness (ug/l)
Cadmium, Acute	$WER \cdot \left[\left(1.136672 [\ln \text{hardness}] (0.041838) \right) \cdot e^{\{0.9151 [\ln \text{hardness}] - 3.1485\}} \right]$ $WER \cdot \left[\left(1.136672 [\ln \text{hardness}] (0.041838) \right) \cdot e^{\{0.9789 [\ln \text{hardness}] - 3.345\}} \right]$	0.82 [0.83] 0.75

	$WER \cdot \{1.136672 - [\ln \text{ hardness}](0.041838)\} \cdot e^{\{0.9789 [\ln \text{ hardness}] - 3.443\}}$	
Cadmium, Acute, Trout waters	$WER \cdot \{1.136672 - [\ln \text{ hardness}](0.041838)\} \cdot e^{\{0.9151 [\ln \text{ hardness}] - 3.6236\}}$ $WER \cdot \{1.136672 - [\ln \text{ hardness}](0.041838)\} \cdot e^{\{0.9789 [\ln \text{ hardness}] - 3.866\}}$	0.51 0.49
Cadmium, Chronic	$WER \cdot \{1.101672 - [\ln \text{ hardness}](0.041838)\} \cdot e^{\{0.7998 [\ln \text{ hardness}] - 4.4451\}}$ $WER \cdot \{1.101672 - [\ln \text{ hardness}](0.041838)\} \cdot e^{\{0.7977 [\ln \text{ hardness}] - 3.909\}}$	0.15 0.25
Chromium III, Acute	$WER \cdot [0.316 \cdot e^{\{0.8190 [\ln \text{ hardness}] + 3.7256\}}]$	180
Chromium III, Chronic	$WER \cdot [0.860 \cdot e^{\{0.8190 [\ln \text{ hardness}] + 0.6848\}}]$	24
Copper, Acute	$WER \cdot [0.960 \cdot e^{\{0.9422 [\ln \text{ hardness}] - 1.700\}}]$ Or, Aquatic Life Ambient Freshwater Quality Criteria-Copper 2007 Revision (EPA-822-R-07-001)	3.6 NA
Copper, Chronic	$WER \cdot [0.960 \cdot e^{\{0.8545 [\ln \text{ hardness}] - 1.702\}}]$ Or, Aquatic Life Ambient Freshwater Quality Criteria-Copper 2007 Revision (EPA-822-R-07-001)	2.7 NA
Lead, Acute	$WER \cdot \{1.46203 - [\ln \text{ hardness}](0.145712)\} \cdot e^{\{1.273 [\ln \text{ hardness}] - 1.460\}}$	14
Lead, Chronic	$WER \cdot \{1.46203 - [\ln \text{ hardness}](0.145712)\} \cdot e^{\{1.273 [\ln \text{ hardness}] - 4.705\}}$	0.54
Nickel, Acute	$WER \cdot [0.998 \cdot e^{\{0.8460 [\ln \text{ hardness}] + 2.255\}}]$	140
Nickel, Chronic	$WER \cdot [0.997 \cdot e^{\{0.8460 [\ln \text{ hardness}] + 0.0584\}}]$	16
Silver, Acute	$WER \cdot [0.85 \cdot e^{\{1.72 [\ln \text{ hardness}] - 6.59\}}]$	0.30
Zinc, Acute	$WER \cdot [0.978 \cdot e^{\{0.8473 [\ln \text{ hardness}] + 0.884\}}]$	36
Zinc, Chronic	$WER \cdot [0.986 \cdot e^{\{0.8473 [\ln \text{ hardness}] + 0.884\}}]$	36

- (e)(f) Compliance with acute instream metals standards shall only be evaluated using an average of two or more samples collected within one hour. Compliance with chronic instream metals standards, except for selenium shall only be evaluated using an average of a minimum of four samples taken on consecutive days or as a 96-hour average;
- (12) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses. For the purpose of implementing this Rule, oils, deleterious substances, or colored or other wastes shall include substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, as described in 40 CFR 110.3(a)-(b), incorporated by reference including subsequent amendments and editions. This material is available, free of charge, at: <http://www.ecfr.gov/>;
- (13) Pesticides:
- (a) Aldrin: 0.002 ug/l;
 - (b) Chlordane: 0.004 ug/l;
 - (c) DDT: 0.001 ug/l;
 - (d) Demeton: 0.1 ug/l;
 - (e) Dieldrin: 0.002 ug/l;
 - (f) Endosulfan: 0.05 ug/l;
 - (g) Endrin: 0.002 ug/l;
 - (h) Guthion: 0.01 ug/l;
 - (i) Heptachlor: 0.004 ug/l;
 - (j) Lindane: 0.01 ug/l;
 - (k) Methoxychlor: 0.03 ug/l;
 - (l) Mirex: 0.001 ug/l;
 - (m) Parathion: 0.013 ug/l; and
 - (n) Toxaphene: 0.0002 ug/l;
- (14) pH: shall be between 6.0 and 9.0 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions;
- (15) Phenolic compounds: only such levels as shall not result in fish-flesh tainting or impairment of other best usage;
- (16) Polychlorinated biphenyls (total of all PCBs and congeners identified): 0.001 ug/l;
- (17) Radioactive substances, based on at least one sample collected per quarter:
- (a) Combined radium-226 and radium-228: the average annual activity level for combined radium-226 and radium-228 shall not exceed five picoCuries per liter;

- (b) Alpha Emitters: the average annual gross alpha particle activity (including radium-226, but excluding radon and uranium) shall not exceed 15 picoCuries per liter;
- (c) Beta Emitters: the average annual activity level for strontium-90 shall not exceed eight picoCuries per liter, nor shall the average annual gross beta particle activity (excluding potassium-40 and other naturally occurring radionuclides) exceed 50 picoCuries per liter, nor shall the average annual activity level for tritium exceed 20,000 picoCuries per liter;
- (18) Temperature: not to exceed 2.8 degrees C (5.04 degrees F) above the natural water temperature, and in no case to exceed 29 degrees C (84.2 degrees F) for mountain and upper piedmont waters and 32 degrees C (89.6 degrees F) for lower piedmont and coastal plain ~~Waters;~~ ~~waters;~~ the temperature for trout waters shall not be increased by more than 0.5 degrees C (0.9 degrees F) due to the discharge of heated liquids, but in no case to exceed 20 degrees C (68 degrees F);
- (19) Toluene: 0.36 ug/l in trout classified waters or 11 ug/l in all other waters;
- (20) Trialkyltin compounds: 0.07 ug/l expressed as tributyltin;
- (21) Turbidity: the turbidity in the receiving water shall not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes, or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity shall not exceed 25 NTU; if turbidity exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. Compliance with this turbidity standard shall be deemed met when land management activities employ Best Management Practices (BMPs), as defined by Rule .0202 of this Section, recommended by the Designated Nonpoint Source Agency, as defined by Rule .0202 of this Section.
- (22) Toxic Substance Level Applicable to NPDES Permits: Chloride: 230 mg/l. If chloride is determined by the waste load allocation to be exceeded in a receiving water by a discharge under the specified 7Q10 criterion for toxic substances, the discharger shall monitor the chemical or biological effects of the discharge. Efforts shall be made by all dischargers to reduce or eliminate chloride from their effluents. Chloride shall be limited as appropriate in the NPDES permit if sufficient information exists to indicate that it may be a causative factor resulting in toxicity of the effluent.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; August 1, 2000; October 1, 1995;
August 1, 1995; April 1, 1994; February 1, 1993;
Readopted Eff. ~~November 1, 2019.~~ November 1, 2019;
Amended Eff. May 1, 2022.

1 15A NCAC 02B .0212 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0212 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-I**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as WS-I.
6 Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply to
7 Class WS-I waters.

8 (1) The best usage of waters classified as WS-I shall be as a source of water supply for drinking,
9 culinary, or food processing purposes for those users desiring maximum protection of their water
10 supplies in the form of the most stringent WS classification, and any best usage specified for Class
11 C waters. Class WS-I waters are waters located on land in public ownership and waters located in
12 undeveloped watersheds.

13 (2) The best usage of waters classified as WS-I shall be maintained as follows:

14 (a) Water quality standards in a WS-I watershed shall meet the requirements as specified in
15 Item (3) of this Rule.

16 (b) Wastewater and stormwater point source discharges in a WS-I watershed shall meet the
17 requirements as specified in Item (4) of this Rule.

18 (c) Nonpoint source pollution in a WS-I watershed shall meet the requirements as specified in
19 Item (5) of this Rule.

20 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
21 meet the Maximum Contaminant Level concentrations considered safe for drinking,
22 culinary, and food-processing purposes that are specified in 40 CFR Part 141 National
23 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
24 Water Supplies, 15A NCAC 18C .1500, incorporated by reference including subsequent
25 amendments and editions.

26 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
27 long-term basis shall be deemed to violate a water quality standard.

28 (f) The Class WS-I classification may be used to protect portions of Class WS-II, WS-III, and
29 WS-IV water supplies. For reclassifications occurring after the July 1, 1992 statewide
30 reclassification, a WS-I classification that is requested by local governments shall be
31 considered by the Commission if all local governments having jurisdiction in the affected
32 areas have adopted a resolution and the appropriate ordinances as required by G.S. 143-
33 214.5(d) to protect the watershed or if the Commission acts to protect a watershed when
34 one or more local governments has failed to adopt protective measures as required by this
35 Sub-Item.

36 (3) Water quality standards applicable to Class WS-I Waters shall be as follows:

- (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the aesthetic qualities of water supplies and to prevent foaming;
- (b) Total coliforms shall not exceed 50/100 ml (MF count) as a monthly geometric mean value in watersheds serving as unfiltered water supplies;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems from chlorinated phenols;
- (d) Solids, total dissolved: not greater than exceed 500 mg/l;
- (e) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO₃ or Ca + Mg);
- (f) Toxic and other deleterious substances that are non-carcinogens:
- (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
- (g) Toxic and other deleterious substances that are carcinogens:
- (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) Wastewater and stormwater point source discharges in a WS-I watershed shall be permitted pursuant to 15A NCAC 02B .0104.

(5) Nonpoint source pollution in a WS-I watershed shall not have an adverse impact, as defined in 15A NCAC 02H .1002, on use as a water supply or any other designated use.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. February 1, 1976;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; October 1, 1995; February 1, 1993;
March 1, 1991; October 1, 1989;
Readopted Eff. November 1, 2019;
Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0214 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0214 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-II**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as
6 WS-II. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply
7 to Class WS-II waters.

- 8 (1) The best usage of waters classified as WS-II shall be as a source of water supply for drinking,
9 culinary, or food-processing purposes for those users desiring maximum protection for their water
10 supplies where a WS-I classification is not feasible as determined by the Commission in accordance
11 with Rule .0212 of this Section and any best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-II shall be maintained as follows:
- 13 (a) Water quality standards in a WS-II watershed shall meet the requirements as specified in
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-II watershed shall meet the
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-II watershed shall meet the requirements as specified
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,
21 culinary, and food-processing purposes that are specified in 40 CFR Part 141 National
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-II classification may be used to protect portions of Class WS-III and WS-IV
27 water supplies. For reclassifications of these portions of Class WS-III and WS-IV water
28 supplies occurring after the July 1, 1992 statewide reclassification, a WS-II classification
29 that is requested by local governments shall be considered by the Commission if all local
30 governments having jurisdiction in the affected areas have adopted a resolution and the
31 appropriate ordinances as required by G.S. 143-214.5(d) to protect the watershed or if the
32 Commission acts to protect a watershed when one or more local governments has failed to
33 adopt protective measures as required by this Sub-Item.
- 34 (3) Water quality standards applicable to Class WS-II Waters shall be as follows:
- 35 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
36 aesthetic qualities of water supplies and to prevent foaming;

- (b) Odor producing substances contained in sewage or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as shall not cause organoleptic effects in water supplies that cannot be corrected by treatment, impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
 - (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems from chlorinated phenols;
 - (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO₃ or Ca + Mg);
 - (e) Solids, total dissolved: not greater than 500 mg/l;
 - (f) Toxic and other deleterious substances that are non-carcinogens:
 - (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
 - (g) Toxic and other deleterious substances that are carcinogens:
 - (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) Wastewater and stormwater point source discharges in a WS-II watershed shall meet the following requirements:

- (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127 shall be allowed in the entire watershed.
- (b) Discharges from trout farms that are subject to Individual NPDES Permits shall be allowed in the entire watershed.
- (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A NCAC 02H .0126 shall be allowed in the entire watershed.
- (d) No discharge of sewage, industrial, or other wastes shall be allowed in the entire watershed except for those allowed by Sub-Items (a) through (c) of this Item or Rule .0104 of this Subchapter, and none shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission, a discharger shall disclose all chemical constituents present or potentially present in their wastes and chemicals that could be spilled or be present in runoff from their facility that may have an adverse impact on downstream water quality. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances.
- (e) New domestic and industrial discharges of treated wastewater that are subject to Individual NPDES Permits shall not be allowed in the entire watershed.
- (f) No new landfills shall be allowed in the Critical Area, and no NPDES permits shall be issued for landfills that discharge treated leachate in the remainder of the watershed.
- (g) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed in the Critical Area.
- (5) Nonpoint source pollution in a WS-II watershed shall meet the following requirements:
- (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water supply or any other designated use.
- (b) Class WS-II waters shall be protected as water supplies that are located in watersheds that meet average watershed development density levels specified for Class WS-II waters in Rule .0624 of this Subchapter.

History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. May 10, 1979;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; January 1, 1996; October 1, 1995;
Readopted Eff. November 1, 2019;
Amended Eff. May 1, 2022.

1 15A NCAC 02B .0215 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0215 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-III**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as
6 WS-III. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also
7 apply to Class WS-III waters.

- 8 (1) The best usage of waters classified as WS-III shall be as a source of water supply for drinking,
9 culinary, or food-processing purposes for those users where a more protective WS-I or WS-II
10 classification is not feasible as determined by the Commission in accordance with Rules .0212 and
11 .0214 of this Section and any other best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-III shall be maintained as follows:
- 13 (a) Water quality standards in a WS-III watershed shall meet the requirements as specified in
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-III watershed shall meet the
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-III watershed shall meet the requirements as specified
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,
21 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-III classification may be used to protect portions of Class WS-IV water
27 supplies. For reclassifications of these portions of WS-IV water supplies occurring after
28 the July 1, 1992 statewide reclassification, a ~~WS-II classification~~ more protective
29 classification, such as WS-III, that is requested by local governments shall be considered
30 by the Commission if all local governments having jurisdiction in the affected areas have
31 adopted a resolution and the appropriate ordinances as required by G.S. 143-214.5(d) to
32 protect the watershed or if the Commission acts to protect a watershed when one or more
33 local governments has failed to adopt protective measures as required by this Sub-Item.
- 34 (3) Water quality standards applicable to Class WS-III Waters shall be as follows:
- 35 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
36 aesthetic qualities of water supplies and to prevent foaming;

- (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as shall not cause organoleptic effects in water supplies that cannot be corrected by treatment, impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems from chlorinated phenols;
- (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO_3 or $\text{Ca} + \text{Mg}$);
- (e) Solids, total dissolved: not greater than 500 mg/l;
- (f) Toxic and other deleterious substances that are non-carcinogens:
- (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
- (g) Toxic and other deleterious substances that are carcinogens:
- (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) Wastewater and stormwater point source discharges in a WS-III watershed shall meet the following requirements:

- (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127 shall be allowed in the entire watershed.
- (b) Discharges from trout farms that are subject to Individual NPDES Permits shall be allowed in the entire watershed.
- (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A NCAC 02H .0126 shall be allowed in the entire watershed.
- (d) New domestic wastewater discharges that are subject to Individual NPDES Permits shall not be allowed in the Critical Area and are allowed in the remainder of the watershed.
- (e) New industrial wastewater discharges that are subject to Individual NPDES Permits except non-process industrial discharges shall not be allowed in the entire watershed.
- (f) No discharge of sewage, industrial, or other wastes shall be allowed in the entire watershed except for those allowed by Sub-Items (a) through (e) of this Item or Rule .0104 of this Subchapter, and none shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission, a discharger shall disclose all chemical constituents present or potentially present in their wastes and chemicals that could be spilled or be present in runoff from their facility that may have an adverse impact on downstream water quality. These facilities may be required to have spill and treatment failure control plans as well as perform special monitoring for toxic substances.
- (g) No new landfills shall be allowed in the Critical Area, and no NPDES permits shall be issued for landfills to discharge treated leachate in the remainder of the watershed.
- (h) No new permitted sites for land application of residuals or petroleum contaminated soils shall be allowed in the Critical Area.
- (5) Nonpoint source pollution in a WS-III watershed shall meet the following requirements:
- (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water supply or any other designated use.
- (b) Class WS-III waters shall be protected as water supplies that are located in watersheds that meet average watershed development density levels specified Class WS-III waters in Rule .0624 of this Subchapter.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. September 9, 1979;
Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; January 1, 1996; October 1, 1995;
October 1, 1989;
Readopted Eff. November 1, 2019;
Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0216 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0216 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-IV**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as WS-
6 IV. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply to
7 Class WS-IV waters.

- 8 (1) The best usage of waters classified as WS-IV shall be as a source of water supply for drinking,
9 culinary, or food-processing purposes for those users where a more protective WS-I, WS-II or WS-
10 III classification is not feasible as determined by the Commission in accordance with Rules .0212
11 through .0215 of this Section and any other best usage specified for Class C waters.
- 12 (2) The best usage of waters classified as WS-IV shall be maintained as follows:
- 13 (a) Water quality standards in a WS-IV watershed shall meet the requirements as specified in
14 Item (3) of this Rule.
- 15 (b) Wastewater and stormwater point source discharges in a WS-IV watershed shall meet the
16 requirements as specified in Item (4) of this Rule.
- 17 (c) Nonpoint source pollution in a WS-IV watershed shall meet the requirements as specified
18 in Item (5) of this Rule.
- 19 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
20 meet the Maximum Contaminant Level concentrations considered safe for drinking,
21 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National
22 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
23 Water Supplies, 15A NCAC 18C .1500.
- 24 (e) Sources of water pollution that preclude any of the best uses on either a short-term or
25 long-term basis shall be deemed to violate a water quality standard.
- 26 (f) The Class WS-II or WS-III classifications may be used to protect portions of Class WS-IV
27 water supplies. For reclassifications of these portions of WS-IV water supplies occurring
28 after the July 1, 1992 statewide reclassification, a ~~WS-IV classification~~ more protective
29 classification, such as a WS-II or WS-III, that is requested by local governments shall be
30 considered by the Commission if all local governments having jurisdiction in the affected
31 areas have adopted a resolution and the appropriate ordinances as required by G.S. 143-
32 214.5(d) to protect the watershed or if the Commission acts to protect a watershed when
33 one or more local governments has failed to adopt protective measures as required by this
34 Sub-Item.
- 35 (3) Water quality standards applicable to Class WS-IV Waters shall be as follows:
- 36 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
37 aesthetic qualities of water supplies and to prevent foaming;

- (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or waste, as will not cause organoleptic effects in water supplies that cannot be corrected by treatment, impair the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems due to chlorinated phenols shall be allowed. Specific phenolic compounds may be given a different limit if it is demonstrated not to cause taste and odor problems and not to be detrimental to other best usage;
- (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO₃ or Ca + Mg);
- (e) Solids, total dissolved: not greater than 500 mg/l;
- (f) Toxic and other deleterious substances that are non-carcinogens:
- (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
- (g) Toxic and other deleterious substances that are carcinogens:
- (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.

- 1 (4) Wastewater and stormwater point source discharges in a WS-IV watershed shall meet the following
2 requirements:
- 3 (a) Discharges that qualify for a General NPDES Permit pursuant to 15A NCAC 02H .0127
4 shall be allowed in the entire watershed.
- 5 (b) Discharges from domestic facilities, industrial facilities and trout farms that are subject to
6 Individual NPDES Permits shall be allowed in the entire watershed.
- 7 (c) Stormwater discharges that qualify for an Individual NPDES Permit pursuant to 15A
8 NCAC 02H .0126 shall be allowed in the entire watershed.
- 9 (d) No discharge of sewage, industrial wastes, or other wastes shall be allowed in the entire
10 watershed except for those allowed by Sub-Items (a) through (c) of this Item or Rule .0104
11 of this Subchapter, and none shall be allowed that have an adverse effect on human health
12 or that are not treated in accordance with the permit or other requirements established by
13 the Division pursuant to G.S. 143-215.1. Upon request by the Commission, dischargers or
14 industrial users subject to pretreatment standards shall disclose all chemical constituents
15 present or potentially present in their wastes and chemicals that could be spilled or be
16 present in runoff from their facility which may have an adverse impact on downstream
17 water supplies. These facilities may be required to have spill and treatment failure control
18 plans as well as perform special monitoring for toxic substances.
- 19 (e) New industrial discharges of treated wastewater in the critical area shall meet the
20 provisions of Rule .0224(c)(2)(D), (E), and (G) of this Section and Rule .0203 of this
21 Section.
- 22 (f) New industrial connections and expansions to existing municipal discharges with a
23 pretreatment program pursuant to 15A NCAC 02H .0904 shall be allowed in the entire
24 watershed.
- 25 (g) No new landfills shall be allowed in the Critical Area.
- 26 (h) No new permitted sites for land application residuals or petroleum contaminated soils shall
27 be allowed in the Critical Area.
- 28 (5) Nonpoint source pollution in a WS-IV watershed shall meet the following requirements:
- 29 (a) Nonpoint source pollution shall not have an adverse impact on waters for use as a water
30 supply or any other designated use.
- 31 (b) Class WS-IV waters shall be protected as water supplies that are located in watersheds that
32 meet average watershed development density levels specified for Class WS-IV waters in
33 Rule .0624 of this Subchapter.
- 34

35 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);*
36 *Eff. February 1, 1986;*

1 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; June 1, 1996; October 1, 1995; August*
2 *1, 1995; June 1, 1994;*
3 *Readopted Eff. November 1, 2019;*
4 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0218 is amended as published in 35:22 NCR 2407-2433 as follows:

2
3 **15A NCAC 02B .0218 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS WS-V**
4 **WATERS**

5 The following water quality standards shall apply to surface waters within water supply watersheds classified as
6 WS-V. Water quality standards applicable to Class C waters as described in Rule .0211 of this Section shall also apply
7 to Class WS-V waters.

8 (1) The best usage of waters classified as WS-V shall be as waters that are protected as water supplies
9 which are generally upstream and draining to Class WS-IV waters; waters previously used for
10 drinking water supply purposes; or waters used by industry to supply their employees, but not
11 municipalities or counties, with a raw drinking water supply source, although this type of use is not
12 restricted to WS-V classification; and all Class C uses.

13 (2) The best usage of waters classified as WS-V shall be maintained as follows:

14 (a) Water quality standards in a WS-V water shall meet the requirements as specified in Item
15 (3) of this Rule.

16 (b) Wastewater and stormwater point source discharges in a WS-V water shall meet the
17 requirements as specified in Item (4) of this Rule.

18 (c) Nonpoint source pollution in a WS-V water shall meet the requirements as specified in
19 Item (5) of this Rule.

20 (d) Following approved treatment, as defined in Rule .0202 of this Section, the waters shall
21 meet the Maximum Contaminant Level concentrations considered safe for drinking,
22 culinary, or food-processing purposes that are specified in 40 CFR Part 141 National
23 Primary Drinking Water Regulations and in the North Carolina Rules Governing Public
24 Water Supplies, 15A NCAC 18C .1500.

25 (e) The Commission or its designee may apply management requirements for the protection
26 of waters downstream of receiving waters provided in Rule .0203 of this Section.

27 (f) The Commission shall consider a more protective classification for the water supply if a
28 resolution requesting a more protective classification is submitted from all local
29 governments having land use jurisdiction within the affected watershed.

30 (g) Sources of water pollution that preclude any of the best uses on either a short-term or
31 long-term basis shall be deemed to violate a water quality standard;

32 (3) Water quality standards applicable to Class WS-V Waters shall be as follows:

33 (a) MBAS (Methylene-Blue Active Substances): not greater than 0.5 mg/l to protect the
34 aesthetic qualities of water supplies and to prevent foaming;

35 (b) Odor producing substances contained in sewage, industrial wastes, or other wastes: only
36 such amounts, whether alone or in combination with other substances or waste, as will not
37 cause organoleptic effects in water supplies that can not be corrected by treatment, impair

- the palatability of fish, or have an adverse impact, as defined in 15A NCAC 02H .1002, on any best usage established for waters of this class;
- (c) Chlorinated phenolic compounds: not greater than 1.0 ug/l to protect water supplies from taste and odor problems due to chlorinated phenols. Specific phenolic compounds may be given a different limit if it is demonstrated not to cause taste and odor problems and not to be detrimental to other best usage;
 - (d) Total hardness: not greater than 100 mg/l as calcium carbonate (CaCO_3 or $\text{Ca} + \text{Mg}$);
 - (e) Solids, total dissolved: not greater than 500 mg/l;
 - (f) Toxic and other deleterious substances that are non-carcinogens:
 - (i) Barium: 1.0 mg/l;
 - (ii) Chloride: 250 mg/l;
 - (iii) Nickel: 25 ug/l;
 - (iv) Nitrate nitrogen: 10.0 mg/l;
 - (v) 2,4-D: 70 ug/l;
 - (vi) 2,4,5-TP (Silvex): 10 ug/l; and
 - (vii) Sulfates: 250 mg/l;
 - (g) Toxic and other deleterious substances that are carcinogens:
 - (i) Aldrin: 0.05 ng/l;
 - (ii) Arsenic: 10 ug/l;
 - (iii) Benzene: 1.19 ug/l;
 - (iv) Carbon tetrachloride: 0.254 ug/l;
 - (v) Chlordane: 0.8 ng/l;
 - (vi) Chlorinated benzenes: 488 ug/l;
 - (vii) DDT: 0.2 ng/l;
 - (viii) Dieldrin: 0.05 ng/l;
 - (ix) Dioxin: 0.000005 ng/l;
 - (x) Heptachlor: 0.08 ng/l;
 - (xi) Hexachlorobutadiene: 0.44 ug/l;
 - (xii) Polynuclear aromatic hydrocarbons (total of all PAHs): 2.8 ng/l;
 - (xiii) Tetrachloroethane (1,1,2,2): 0.17 ug/l;
 - (xiv) Tetrachloroethylene: 0.7 ug/l;
 - (xv) Trichloroethylene: 2.5 ug/l; ~~and~~
 - (xvi) Vinyl Chloride: 0.025 ~~ug/l~~ ug/l; and
 - (xvii) 1,4-Dioxane: 0.35 ug/l.
- (4) No discharge of sewage, industrial wastes, or other wastes shall be allowed that have an adverse effect on human health or that are not treated in accordance with the permit or other requirements established by the Division pursuant to G.S. 143-215.1. Upon request by the Commission,

1 dischargers or industrial users subject to pretreatment standards shall disclose all chemical
2 constituents present or potentially present in their wastes and chemicals that could be spilled or be
3 present in runoff from their facility which may have an adverse impact on downstream water quality.
4 These facilities may be required to have spill and treatment failure control plans as well as perform
5 special monitoring for toxic substances.

- 6 (5) Nonpoint Source pollution in a WS-V water shall not have an adverse impact on waters for use as
7 water supply or any other designated use.

8
9 *History Note:* *Authority G.S. 143-214.1; 143-215.3(a)(1);*

10 *Eff. October 1, 1989;*

11 *Amended Eff. January 1, 2015; May 1, 2007; April 1, 2003; October 1, 1995;*

12 *Readopted Eff. November 1, 2019;*

13 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0219 is amended as published in 35:22 NCR 2407-2433 with changes as follows:

2
3 **15A NCAC 02B .0219 FRESH SURFACE WATER QUALITY STANDARDS FOR CLASS B WATERS**

4 The following water quality standards shall apply to surface waters that are for primary contact recreation as defined
5 in Rule .0202 of this Section, and are classified as Class B waters. Water quality standards applicable to Class C waters
6 as described in Rule .0211 of this Section also apply to Class B waters.

7 (1) The best usage of Class B waters shall be primary contact recreation and any other best usage
8 specified for Class C waters.

9 (2) Class B waters shall meet the standards of water quality for outdoor bathing places as specified in
10 Item (3) of this Rule and shall be of sufficient size and depth for primary contact recreation. In
11 assigning the B classification to waters intended for primary contact recreation, the Commission
12 shall consider the relative proximity of sources of water pollution and the potential hazards involved
13 in locating swimming areas close to sources of water pollution and shall not assign this classification
14 to waters in which such water pollution could result in a hazard to public health. Sources of water
15 pollution that preclude any of these uses on either a short-term or long-term basis shall be deemed
16 to violate a water quality standard.

17 (3) Quality standards applicable to Class B waters:

18 (a) Sewage, industrial wastes, or other wastes: none shall be allowed that are not treated to the
19 satisfaction of the Commission. In determining the degree of treatment required for such
20 waste when discharged into waters to be used for bathing, the Commission shall consider
21 the quality and quantity of the sewage and wastes involved and the proximity of such
22 discharges to waters in this class. Discharges in the immediate vicinity of bathing areas
23 shall not be allowed if the Director determines that the waste cannot be treated to ensure
24 the protection of primary contact recreation;

25 (b) Fecal coliforms shall not exceed a geometric mean of 200/100 ml (MF count) based on at
26 least five samples taken over a 30 day period, nor exceed 400/100 ml in more than 20
27 percent of the samples examined during such ~~period;~~ period.

28 ~~[(c)]~~ [For the counties listed in this Sub Item, Escherichia coli (E. coli) shall be used as the
29 bacterial indicator in lieu of Sub Item (b) of this Item. E. coli shall not exceed a geometric
30 mean of 100 colony forming units (cfu) per 100 ml (MF count) or a most probable number
31 value (MPN) of 100 per 100 ml based upon a minimum of five samples taken over a 30
32 day period, and E. coli shall not exceed 320 cfu/100 ml or 320 MPN/100 ml in more than
33 20 percent of the samples examined during the same 30 day period. The counties subject
34 to this site specific standard are:

35 (i) ~~_____ Avery;~~

36 (ii) ~~_____ Buncombe;~~

37 (iii) ~~_____ Burke;~~

38 (iv) ~~Caldwell;~~
39 (v) ~~Cherokee;~~
40 (vi) ~~Clay;~~
41 (vii) ~~Graham;~~
42 (viii) ~~Haywood;~~
43 (ix) ~~Henderson;~~
44 (x) ~~Jackson;~~
45 (xi) ~~Macon;~~
46 (xii) ~~Madison;~~
47 (xiii) ~~McDowell;~~
48 (xiv) ~~Mitchell;~~
49 (xv) ~~Polk;~~
50 (xvi) ~~Rutherford;~~
51 (xvii) ~~Swain;~~
52 (xviii) ~~Transylvania; and~~
53 (xix) ~~Yancey.]~~

- 54 (4) Wastewater discharges to waters classified as B shall meet the reliability requirements specified in
55 15A NCAC 02H .0124. Discharges to waters where a primary contact recreational use is determined
56 by the Director to be attainable shall be required to meet water quality standards and reliability
57 requirements to protect this use concurrently with reclassification efforts.

58
59 *History Note:* *Authority G.S. 143-214.1; 143-215.3(a)(1);*
60 *Eff. January 1, 1990;*
61 *Amended Eff. October 1, 1995;*
62 *Readopted Eff. ~~November 1, 2019.~~ November 1, 2019.*
63 *Amended Eff. May 1, 2022.*

1 15A NCAC 02B .0220 is amended as published in 35:22 NCR 2407-2433 as follows:
2

3 **15A NCAC 02B .0220 TIDAL SALT WATER QUALITY STANDARDS FOR CLASS SC WATERS**

4 In addition to the standards set forth in Rule .0208 of this Section, the following water quality standards shall apply
5 to all Class SC waters. Additional standards applicable to other tidal salt water classifications are specified in Rules
6 .0221 and .0222 of this Section.

- 7 (1) The best usage of waters classified as SC shall be aquatic life propagation, survival, and maintenance
8 of biological integrity (including fishing, fish, and Primary Nursery Areas (PNAs)); wildlife;
9 secondary contact recreation as defined in Rule .0202 in this Section; and any usage except primary
10 contact recreation or shellfishing for market purposes. All saltwaters shall be classified to protect
11 these uses at a minimum.
- 12 (2) The best usage of waters classified as SC shall be maintained as specified in this Rule. Any source
13 of water pollution that precludes any of these uses on either a short-term or a long-term basis shall
14 be deemed to violate a water quality standard;
- 15 (3) Chlorophyll a (corrected): not greater than 40 ug/l in sounds, estuaries, and other waters subject to
16 growths of macroscopic or microscopic vegetation. The Commission or its designee may prohibit
17 or limit any discharge of waste into surface waters if the Director determines that the surface waters
18 experience or the discharge would result in growths of microscopic or macroscopic vegetation such
19 that the standards established pursuant to this Rule would be violated or the intended best usage of
20 the waters would be impaired;
- 21 (4) Cyanide: 1 ug/l;
- 22 (5) Dissolved oxygen: not less than 5.0 mg/l, except that swamp waters, poorly flushed tidally
23 influenced streams or embayments, or estuarine bottom waters may have lower values if caused by
24 natural conditions;
- 25 (6) Enterococcus, including Enterococcus faecalis, Enterococcus faecium, Enterococcus avium and
26 Enterococcus gallinarum: not exceed a geometric mean of 35 enterococci per 100 ml based upon a
27 minimum of five samples taken over a 30-day period. For the purposes of beach monitoring and
28 notification, "Coastal Recreational Waters Monitoring, Evaluation and Notification" regulations
29 (15A NCAC 18A .3400), available free of charge at: <http://www.ncoah.com/>, are incorporated by
30 reference including subsequent amendments and editions;
- 31 (7) Floating solids, settleable solids, or sludge deposits: only such amounts attributable to sewage,
32 industrial wastes, or other wastes as shall not make the waters unsafe or unsuitable for aquatic life
33 and wildlife, or impair the waters for any designated uses;
- 34 (8) Gases, total dissolved: not greater than 110 percent of saturation;
- 35 (9) Metals:
 - 36 (a) With the exception of mercury and selenium, acute and chronic tidal salt water quality
37 standards for metals shall be based upon measurement of the dissolved fraction of the

- metals. Mercury and selenium shall be based upon measurement of the total recoverable metal;
- (b) With the exception of mercury and selenium, acute and chronic tidal saltwater quality aquatic life standards for metals listed in this Sub-Item shall apply as a function of the pollutant's water effect ratio (WER). The WER shall be assigned a value equal to one unless any person demonstrates to the Division in a permit proceeding that another value is developed in accordance with the "Water Quality Standards Handbook: Second Edition" published by the US Environmental Protection Agency (EPA-823-B-12-002). Alternative site-specific standards may also be developed when any person submits values that demonstrate to the Commission that they were derived in accordance with the "Water Quality Standards Handbook: Second Edition, Recalculation Procedure or the Resident Species Procedure."
- (c) Acute and chronic tidal salt water quality metals standards shall be as follows:
- (i) Arsenic, acute: WER· 69 ug/l;
 - (ii) Arsenic, chronic: WER· 36 ug/l;
 - (iii) Cadmium, acute: WER· ~~40~~ 33 ug/l;
 - (iv) Cadmium, chronic: WER· ~~8.8~~ 7.9 ug/l;
 - (v) Chromium VI, acute: WER· 1100 ug/l;
 - (vi) Chromium VI, chronic: WER· 50 ug/l;
 - (vii) Copper, acute: WER· 4.8 ug/l;
 - (viii) Copper, chronic: WER· 3.1 ug/l;
 - (ix) Lead, acute: WER· 210 ug/l;
 - (x) Lead, chronic: WER· 8.1 ug/l;
 - (xi) Mercury, total recoverable, chronic: 0.025 ug/l;
 - (xii) Nickel, acute: WER· 74 ug/l;
 - (xiii) Nickel, chronic: WER· 8.2 ug/l;
 - (xiv) Selenium, total recoverable, chronic: 71 ug/l;
 - (xv) Silver, acute: WER· 1.9 ug/l;
 - (xvi) Silver, chronic: WER· 0.1 ug/l;
 - (xvii) Zinc, acute: WER· 90 ug/l; and
 - (xviii) Zinc, chronic: WER· 81 ug/l;
- (d) Compliance with acute instream metals standards shall only be evaluated using an average of two or more samples collected within one hour. Compliance with chronic instream metals standards shall only be evaluated using averages of a minimum of four samples taken on consecutive days, or as a 96-hour average;
- (10) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, aquatic life, and wildlife or adversely affect

the palatability of fish, aesthetic quality, or impair the waters for any designated uses. For the purpose of implementing this Rule, oils, deleterious substances, or colored or other wastes shall include substances that cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, as described in 40 CFR 110.3, incorporated by reference including any subsequent amendments and editions. This material is available free of charge at <https://www.govinfo.gov>.

(11) Pesticides:

- (a) Aldrin: 0.003 ug/l;
- (b) Chlordane: 0.004 ug/l;
- (c) DDT: 0.001 ug/l;
- (d) Demeton: 0.1 ug/l;
- (e) Dieldrin: 0.002 ug/l;
- (f) Endosulfan: 0.009 ug/l;
- (g) Endrin: 0.002 ug/l;
- (h) Guthion: 0.01 ug/l;
- (i) Heptachlor: 0.004 ug/l;
- (j) Lindane: 0.004 ug/l;
- (k) Methoxychlor: 0.03 ug/l;
- (l) Mirex: 0.001 ug/l;
- (m) Parathion: 0.178 ug/l; and
- (n) Toxaphene: 0.0002 ug/l;

(12) pH: shall be between 6.8 and 8.5, except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions;

(13) Phenolic compounds: only such levels as shall not result in fish-flesh tainting or impairment of other best usage;

(14) Polychlorinated biphenyls: (total of all PCBs and congeners identified) 0.001 ug/l;

(15) Radioactive substances, based on at least one sample collected per quarter:

- (a) Combined radium-226 and radium-228: the average annual activity level for combined radium-226, and radium-228 shall not exceed five picoCuries per liter;
- (b) Alpha Emitters: the average annual gross alpha particle activity (including radium-226, but excluding radon and uranium) shall not exceed 15 picoCuries per liter;
- (c) Beta Emitters: the average annual activity level for strontium-90 shall not exceed eight picoCuries per liter, nor shall the average annual gross beta particle activity (excluding potassium-40 and other naturally occurring radionuclides exceed 50 picoCuries per liter, nor shall the average annual activity level for tritium exceed 20,000 picoCuries per liter;

(16) Salinity: changes in salinity due to hydrological modifications shall not result in removal of the functions of a PNA. Projects that are determined by the Director to result in modifications of salinity

such that functions of a PNA are impaired shall employ water management practices to mitigate salinity impacts;

(17) Temperature: shall not be increased above the natural water temperature by more than 0.8 degrees C (1.44 degrees F) during the months of June, July, and August, shall not be increased by more than 2.2 degrees C (3.96 degrees F) during other months, and shall in no case exceed 32 degrees C (89.6 degrees F) due to the discharge of heated liquids;

(18) Trialkyltin compounds: 0.007 ug/l expressed as tributyltin;

(19) Turbidity: the turbidity in the receiving water shall not exceed 25 Nephelometric Turbidity Units (NTU); if turbidity exceeds this level due to natural background conditions, the existing turbidity level shall not be increased. Compliance with this turbidity standard shall be deemed met when land management activities employ Best Management Practices (BMPs), defined by Rule .0202 of this Section, recommended by the Designated Nonpoint Source Agency, as defined by Rule .0202 of this Section.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
Eff. October 1, 1995;
Amended Eff. January 1, 2015; May 1, 2007; August 1, 2000;
Readopted Eff. November 1, 2019;
Amended May 1, 2022.*

1 15A NCAC 02B .0301 is amended as published in 35:22 NCR 2407-2433 as follows:

3 **SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS**

5 **15A NCAC 02B .0301 CLASSIFICATIONS: GENERAL**

6 (a) The classifications assigned to the waters of the State of North Carolina are set forth in river basin classification
7 schedules provided at [https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification)
8 standards/river-basin-classification and in Rules .0302 to .0317 of this Section. These classifications are based upon
9 procedures described in Rule .0101 of this Subchapter.

10 (b) Classifications. The classifications assigned to the waters of North Carolina are denoted by the letters C, B, WS-
11 I, WS-II, WS-III, WS-IV, WS-V, WL, SC, SB, SA, SWL, Tr, Sw, NSW, ORW, HQW, and UWL. The "best usage",
12 as defined in Rule .0202 of this Subchapter, for each classification is defined in the rules as follows:

13 (1) Fresh Waters Classifications:

- 14 (A) Class C: Rule .0211 of this Subchapter;
- 15 (B) Class B: Rule .0219 of this Subchapter;
- 16 (C) Class WS-I (Water Supply): Rule .0212 of this Subchapter;
- 17 (D) Class WS-II (Water Supply): Rule .0214 of this Subchapter;
- 18 (E) Class WS-III (Water Supply): Rule .0215 of this Subchapter;
- 19 (F) Class WS-IV (Water Supply): Rule .0216 of this Subchapter;
- 20 (G) Class WS-V (Water Supply): Rule .0218 of this Subchapter; and
- 21 (H) Class WL (Wetlands): Rule .0231 of this Subchapter.

22 (2) Tidal Salt Waters Classifications:

- 23 (A) Class SC: Rule .0220 of this Subchapter;
- 24 (B) Class SB: Rule .0222 of this Subchapter;
- 25 (C) Class SA: Rule .0221 of this Subchapter; and
- 26 (D) Class SWL: Rule .0231 of this Subchapter.

27 (3) Supplemental Classifications:

- 28 (A) Class Tr (Trout Waters): Rule .0202 of this Subchapter;
- 29 (B) Class Sw (Swamp): Rule .0202 of this Subchapter;
- 30 (C) Class NSW (Nutrient Sensitive Waters): Rule .0223 of this Subchapter;
- 31 (D) Class ORW (Outstanding Resource Waters): Rule .0225 of this Subchapter;
- 32 (E) Class HQW (High Quality Waters): Rule .0224 of this Subchapter; and
- 33 (F) Class UWL (Unique Wetlands): Rule .0231 of this Subchapter.

34 (c) Water Quality Standards. The water quality standards applicable to each classification assigned are those
35 established in the rules of Section .0200 of this Subchapter.

(d) Index Number. The index number is an identification number assigned to each stream or segment of a stream, indicating the specific tributary progression between the main stem stream and tributary stream. The index number can be referenced to the Division's river basin classification schedules (hydrologic and alphabetic) for each river basin.

(e) Classification Date. The classification date indicates the date on which enforcement of the provisions of General Statutes 143-215.1 became effective with reference to the classification assigned to the various streams in North Carolina.

(f) Unnamed Streams.

(1) Any stream that is not listed in a river basin classification schedule carries the same classification as that assigned to the stream segment to which it is tributary except:

(A) unnamed freshwaters tributary to tidal saltwaters will be classified "C"; or

(B) after November 1, 1986, any areas of tidal saltwater created by dredging projects approved in accordance with 15A NCAC 07H .0208 and connected to Class SA waters shall be classified "SC" unless case-by-case reclassification proceedings are conducted per Rule .0101 of this Subchapter.

(2) In addition to Subparagraph ~~(f)(1)~~ (1) of this ~~Rule, Paragraph~~, for unnamed streams entering other ~~states;~~ states, tribes approved for treatment as a state and administering a U.S. Environmental Protection Agency approved water quality standards program, or for specific areas of a river basin, the following Rules shall apply:

(A) Hiwassee River Basin (Rule .0302 of this Section);

(B) Little Tennessee River Basin and Savannah River Drainage Area (Rule .0303 of this Section);

(C) French Broad River Basin (Rule .0304 of this Section);

(D) Watauga River Basin (Rule .0305 of this Section);

(E) Broad River Basin (Rule .0306 of this Section);

(F) New River Basin (Rule .0307 of this Section);

(G) Catawba River Basin (Rule .0308 of this Section);

(H) Yadkin-Pee Dee River Basin (Rule .0309 of this Section);

(I) Lumber River Basin (Rule .0310 of this Section);

(J) Roanoke River Basin (Rule .0313 of this Section);

(K) Tar-Pamlico River Basin (Rule .0316 of this Section); and

(L) Pasquotank River Basin (Rule .0317 of this Section).

History Note: Authority G.S. 143-214.1; 143-214.5; 143-215.1; 143-215.3(a)(1);

Eff. February 1, 1976;

Amended Eff. August 1, 1995; August 3, 1992; August 1, 1990; October 1, 1989;

Readopted Eff. November 1, 2019;

Amended Eff. May 1, 2022.

1 15A NCAC 02B .0311 is amended as published in 35:22 NCR 2407-2433 with changes as follows:

2
3 **15A NCAC 02B .0311 CAPE FEAR RIVER BASIN**

4 (a) Classifications assigned to the waters within the Cape Fear River Basin are set forth in the Cape Fear River Basin
5 Classification Schedule, which may be inspected at the following places:

6 (1) the Internet at [https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification)
7 [standards/river-basin-classification](https://deq.nc.gov/about/divisions/water-resources/water-planning/classification-standards/river-basin-classification); and

8 (2) the following offices of the North Carolina Department of Environmental Quality:

9 (A) Winston-Salem Regional Office

10 450 West Hanes Mill Road

11 Winston-Salem, North Carolina;

12 (B) Fayetteville Regional Office

13 225 Green Street

14 Systel Building Suite 714

15 Fayetteville, North Carolina;

16 (C) Raleigh Regional Office

17 3800 Barrett Drive

18 Raleigh, North Carolina;

19 (D) Washington Regional Office

20 943 Washington Square Mall

21 Washington, North Carolina;

22 (E) Wilmington Regional Office

23 127 Cardinal Drive Extension

24 Wilmington, North Carolina; and

25 (F) Division of Water Resources

26 Central Office

27 512 North Salisbury Street

28 Raleigh, North Carolina.

29 (b) The Cape Fear River Basin Classification Schedule was amended effective:

30 (1) March 1, 1977;

31 (2) December 13, 1979;

32 (3) December 14, 1980;

33 (4) August 9, 1981;

34 (5) April 1, 1982;

35 (6) December 1, 1983;

36 (7) January 1, 1985;

37 (8) August 1, 1985;

- (9) December 1, 1985;
- (10) February 1, 1986;
- (11) July 1, 1987;
- (12) October 1, 1987;
- (13) March 1, 1988;
- (14) August 1, 1990.
- (c) The Cape Fear River Basin Classification Schedule was amended effective June 1, 1988 as follows:
- (1) Cane Creek [Index No. 16-21-(1)] from source to a point 0.5 mile north of N.C. Hwy. 54 (Cane Reservoir Dam) including the Cane Creek Reservoir and all tributaries has been reclassified from Class WS-III to WS-I.
- (2) Morgan Creek [Index No. 16-41-1-(1)] to the University Lake dam including University Lake and all tributaries has been reclassified from Class WS-III to WS-I.
- (d) The Cape Fear River Basin Classification Schedule was amended effective July 1, 1988 by the reclassification of Crane Creek (Crains Creek) [Index No. 18-23-16-(1)] from source to mouth of Beaver Creek including all tributaries from C to WS-III.
- (e) The Cape Fear River Basin Classification Schedule was amended effective January 1, 1990 as follows:
- (1) Intracoastal Waterway (Index No. 18-87) from southern edge of White Oak River Basin to western end of Permuda Island (a line from Morris Landing to Atlantic Ocean), from the eastern mouth of Old Topsail Creek to the southwestern shore of Howe Creek and from the southwest mouth of Shinn Creek to channel marker No. 153 including all tributaries except the King Creek Restricted Area, Hardison Creek, Old Topsail Creek, Mill Creek, Futch Creek and Pages Creek were reclassified from Class SA to Class SA ORW.
- (2) Topsail Sound and Middle Sound ORW Area which includes all waters between the Barrier Islands and the Intracoastal Waterway located between a line running from the western most shore of Mason Inlet to the southwestern shore of Howe Creek and a line running from the western shore of New Topsail Inlet to the eastern mouth of Old Topsail Creek was reclassified from Class SA to Class SA ORW.
- (3) Masonboro Sound ORW Area which includes all waters between the Barrier Islands and the mainland from a line running from the southwest mouth of Shinn Creek at the Intracoastal Waterway to the southern shore of Masonboro Inlet and a line running from the Intracoastal Waterway Channel marker No. 153 to the southside of the Carolina Beach Inlet was reclassified from Class SA to Class SA ORW.
- (f) The Cape Fear River Basin Classification Schedule was amended effective January 1, 1990 as follows: Big Alamance Creek [Index No. 16-19-(1)] from source to Lake Mackintosh Dam including all tributaries has been reclassified from Class WS-III NSW to Class WS-II NSW.
- (g) The Cape Fear River Basin Classification Schedule was amended effective August 3, 1992 with the reclassification of all water supply waters (waters with a primary classification of WS-I, WS-II or WS-III). These waters were

reclassified to WS-I, WS-II, WS-III, WS-IV or WS-V as defined in the revised water supply protection rules (15A NCAC 02B .0100, .0200 and .0300), which became effective on August 3, 1992. In some cases, streams with primary classifications other than WS were reclassified to a WS classification due to their proximity and linkage to water supply waters. In other cases, waters were reclassified from a WS classification to an alternate appropriate primary classification after being identified as downstream of a water supply intake or identified as not being used for water supply purposes.

(h) The Cape Fear River Basin Classification Schedule was amended effective June 1, 1994 as follows:

(1) The Black River from its source to the Cape Fear River [Index Nos. 18-68-(0.5), 18-68-(3.5) and 18-65-(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

(2) The South River from Big Swamp to the Black River [Index Nos. 18-68-12-(0.5) and 18-68-12(11.5)] was reclassified from Classes C Sw and C Sw HQW to Class C Sw ORW.

(3) Six Runs Creek from Quewhiffle Swamp to the Black River [Index No. 18-68-2] was reclassified from Class C Sw to Class C Sw ORW.

(i) The Cape Fear River Basin Classification Schedule was amended effective September 1, 1994 with the reclassification of the Deep River [Index No. 17-(36.5)] from the Town of Gulf-Goldston water supply intake to US highway 421 including associated tributaries from Class C to Classes C, WS-IV and WS-IV CA.

(j) The Cape Fear River Basin Classification Schedule was amended effective August 1, 1998 with the revision to the primary classification for portions of the Deep River [Index No. 17-(28.5)] from Class WS-IV to Class WS-V, Deep River [Index No. 17-(41.5)] from Class WS-IV to Class C, and the Cape Fear River [Index 18-(10.5)] from Class WS-IV to Class WS-V.

(k) The Cape Fear River Basin Classification Schedule was amended effective April 1, 1999 with the reclassification of Buckhorn Creek (Harris Lake)[Index No. 18-7-(3)] from the backwaters of Harris Lake to the Dam at Harris Lake from Class C to Class WS-V.

(l) The Cape Fear River Basin Classification Schedule was amended effective April 1, 1999 with the reclassification of the Deep River [Index No. 17-(4)] from the dam at Oakdale-Cotton Mills, Inc. to the dam at Randleman Reservoir (located 1.6 mile upstream of U.S. Hwy 220 Business), and including tributaries from Class C and Class B to Class WS-IV and Class WS-IV & B. Streams within the Randleman Reservoir Critical Area have been reclassified to WS-IV CA. The Critical Area for a WS-IV reservoir is defined as 0.5 mile and draining to the normal pool elevation of the reservoir. All waters within the Randleman Reservoir Water Supply Watershed are within a designated Critical Water Supply Watershed and are subject to a special management strategy specified in Rule .0248 of this Subchapter.

(m) The Cape Fear River Basin Classification Schedule was amended effective August 1, 2002 as follows:

(1) Mill Creek [Index Nos. 18-23-11-(1), 18-23-11-(2), 18-23-11-3, 18-23-11-(5)] from its source to the Little River, including all tributaries was reclassified from Class WS-III NSW and Class WS-III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.

(2) McDeed's Creek [Index Nos. 18-23-11-4, 18-23-11-4-1] from its source to Mill Creek, including all tributaries was reclassified from Class WS III NSW and Class WS-III B NSW to Class WS-III NSW HQW@ and Class WS-III B NSW HQW@.

The "@" symbol as used in this Paragraph means that if the governing municipality has deemed that a development is covered under a "5/70 provision" as described in ~~Rule .0215(3)(b)(i)(E) of this Subchapter~~ Rule .0624 of this Subchapter, then that development is not subject to the stormwater requirements as described in ~~15A NCAC 02H .1006~~ 15A NCAC 02H .1021.

(n) The Cape Fear River Basin Classification Schedule was amended effective November 1, 2004 as follows:

- (1) the portion of Rocky River [Index Number 17-43-(1)] from a point 0.3 mile upstream of Town of Siler City upper reservoir dam to a point 0.3 mile downstream of Lacy Creek from WS-III to WS-III CA.
- (2) the portion of Rocky River [Index Number 17-43-(8)] from dam at lower water supply reservoir for Town of Siler City to a point 65 feet below dam (site of proposed dam) from C to WS-III CA.
- (3) the portion of Mud Lick Creek (Index No. 17-43-6) from a point 0.4 mile upstream of Chatham County SR 1355 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.
- (4) the portion of Lacy Creek (17-43-7) from a point 0.6 mile downstream of Chatham County SR 1362 to Town of Siler City lower water supply reservoir from WS-III to WS-III CA.

(o) The Cape Fear River Basin Classification Schedule was amended effective November 1, 2007 with the reclassifications listed below, and the North Carolina Division of Water Resources maintains a Geographic Information Systems data layer of these UWLs.

- (1) Military Ocean Terminal Sunny Point Pools, all on the eastern shore of the Cape Fear River [Index No. 18-(71)] were reclassified to Class WL UWL.
- (2) Salters Lake Bay near Salters Lake [Index No. 18-44-4] was reclassified to Class WL UWL.
- (3) Jones Lake Bay near Jones Lake [Index No. 18-46-7-1] was reclassified to Class WL UWL.
- (4) Weymouth Woods Sandhill Seep near Mill Creek [18-23-11-(1)] was reclassified to Class WL UWL.
- (5) Fly Trap Savanna near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL.
- (6) Lily Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL.
- (7) Grassy Pond near Cape Fear River [Index No. 18-(71)] was reclassified to Class WL UWL.
- (8) The Neck Savanna near Sandy Run Swamp [Index No. 18-74-33-2] was reclassified to Class WL UWL.
- (9) Bower's Bog near Mill Creek [Index No. 18-23-11-(1)] was reclassified to Class WL UWL.
- (10) Bushy Lake near Turnbull Creek [Index No. 18-46] was reclassified to Class WL UWL.

(p) The Cape Fear River Basin Classification Schedule was amended effective January 1, 2009 as follows:

- (1) the portion of Cape Fear River [Index No. 18-(26)] (including tributaries) from Smithfield Packing Company's intake, located approximately 2 miles upstream of County Road 1316, to a point 0.5 miles upstream of Smithfield Packing Company's intake from Class C to Class WS-IV CA.
- (2) the portion of Cape Fear River [Index No.18-(26)] (including tributaries) from a point 0.5 miles upstream of Smithfield Packing Company's intake to a point 1 mile upstream of Grays Creek from Class C to Class WS-IV.

1 (q) The Cape Fear River Basin Classification Schedule was amended effective August 11, 2009 with the
2 reclassification of all Class C NSW waters and all Class B NSW waters upstream of the dam at B. Everett Jordan
3 Reservoir from Class C NSW and Class B NSW to Class WS-V NSW and Class WS-V & B NSW, respectively. All
4 waters within the B. Everett Jordan Reservoir Watershed are within a designated Critical Water Supply Watershed
5 and are subject to a special management strategy specified in Rules .0262 through .0273 of this Subchapter.

6 (r) The Cape Fear River Basin Classification Schedule was amended effective September 1, 2009 with the
7 reclassification of a portion of the Haw River [Index No. 16-(28.5)] from the Town of Pittsboro water supply intake,
8 which is located approximately 0.15 mile west of U.S. 15/501, to a point 0.5 mile upstream of the Town of Pittsboro
9 water supply intake from Class WS-IV to Class WS-IV CA.

10 (s) The Cape Fear River Basin Classification Schedule was amended effective March 1, 2012 with the reclassification
11 of the portion of the Haw River [Index No. 16-(1)] from the City of Greensboro's intake, located approximately 650
12 feet upstream of Guilford County 2712, to a point 0.5 miles upstream of the intake from Class WS-V NSW to Class
13 WS-IV CA NSW, and the portion of the Haw River [Index No. 16-(1)] from a point 0.5 miles upstream of the intake
14 to a point 0.6 miles downstream of U.S. Route 29 from Class WS-V NSW to Class WS-IV NSW.

15 (t) The Cape Fear River Basin Classification Schedule was amended effective June 30, 2017 with the reclassification
16 of a section of 18-(71) from upstream mouth of Toomers Creek to a line across the river between Lilliput Creek and
17 Snows Cut from Class SC to Class SC Sw. A site-specific management strategy is outlined in 15A NCAC 02B .0227.

18 (u) The Cape Fear River Basin Classification Schedule was amended effective ~~September 1, 2019~~ November 1, 2019
19 with the reclassification of a portion of Sandy Creek [Index No. 17-16-(1)] (including tributaries) from a point 0.4
20 mile upstream of SR-2481 to a point 0.6 mile upstream of N.C. Hwy 22 from WS-III to WS-III CA. The
21 reclassification resulted in an updated representation of the water supply watershed for the Sandy Creek reservoir.

22
23 *History Note: Authority G.S. 143-214.1; 143-215.1; 143-215.3(a)(1);*
24 *Eff. February 1, 1976;*
25 *Amended Eff. June 30, 2017; March 1, 2012; September 1, 2009; August 11, 2009; January 1, 2009;*
26 *November 1, 2007; November 1, 2004; August 1, 2002; April 1, 1999; August 1, 1998; September*
27 *1, 1994; June 1, 1994; August 3, 1992; August 1, 1990;*
28 *Readopted Eff. November 1, 2019;*
29 *Amended Eff. May 1, 2022.*

1 15A NCAC 02D .1401 is amended with changes as published in 36:08 NCR 595 as follows:

2
3 **SECTION .1400 – NITROGEN OXIDES**
4

5 **15A NCAC 02D .1401 DEFINITIONS**

6 (a) For the purpose of this Section, in addition to the definitions in G.S. 143-212, G.S. 143-213, and 15A NCAC 02D
7 .0101, the following definitions shall apply. If a term in this Rule is also defined at 15A NCAC 02D .0101, then the
8 definition in this Rule controls.

- 9 (1) "Acid Rain Program" means the federal program for the reduction of acid rain including 40 CFR
10 Parts 72, 75, 76, and 77.
- 11 (2) "Actual emissions" means for 15A NCAC 02D .1418, emissions of NO_x as measured and calculated
12 pursuant to 40 CFR Part 75, Subpart H.
- 13 (3) "Actual heat input" means for 15A NCAC 02D .1418, heat input as measured and calculated
14 pursuant to 40 CFR Part 75, Subpart H.
- 15 (4) "Averaging set of sources" means all the stationary sources included in an emissions averaging plan
16 pursuant to 15A NCAC 02D .1410.
- 17 (5) "Averaging source" means a stationary source that is included in an emissions averaging plan
18 pursuant to 15A NCAC 02D .1410.
- 19 (6) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to
20 transfer heat to recirculating water, steam, or other medium.
- 21 (7) "Combined cycle system" means a system consisting of one or more combustion turbines, heat
22 recovery steam generators, and steam turbines configured to improve overall efficiency of electricity
23 generation or steam production.
- 24 (8) "Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a
25 compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of
26 fuel in the combustor passes through the turbine, rotating the turbine.
- 27 (9) "Diesel engine" means a compression ignited two- or four-stroke engine in which liquid fuel injected
28 into the combustion chamber ignites when the air charge has been compressed to a temperature
29 sufficiently high for auto-ignition.
- 30 (10) "Dual fuel engine" means a compression ignited stationary internal combustion engine that is
31 burning liquid fuel and gaseous fuel simultaneously.
- 32 (11) "EGU" or electric generating unit means a stationary, fossil fuel-fired boiler or combustion turbine
33 that serves a generator with a nameplate capacity greater than 25 MWe producing electricity for sale
34 at any time, except a large non-EGU.
- 35 ~~(11)~~(12) "Emergency generator" means a stationary internal combustion engine used to generate electricity
36 only during:

1 (A) the loss of primary power at the facility that is beyond the control of the owner or operator
2 of the facility; or

3 (B) maintenance when maintenance is being performed on the power supply to equipment that
4 is essential in protecting the environment or to such equipment itself.

5 An emergency generator may be operated periodically to ensure that it will operate.

6 ~~(12)~~(13) "Emergency use internal combustion engines" means stationary internal combustion engines used
7 to drive pumps, aerators, and other equipment only during:

8 (A) the loss of primary power at the facility that is beyond the control of the owner or operator
9 of the facility; or

10 (B) maintenance when maintenance is being performed on the power supply to equipment that
11 is essential in protecting the environment or to such equipment itself.

12 An emergency use internal combustion engine may be operated periodically to ensure that it will
13 operate.

14 ~~(13)~~(14) "Excess emissions" means an emission rate that exceeds the applicable limitation or standard; for
15 the purposes of this definition, NO_x emitted by a source regulated by 15A NCAC 02D .1418 during
16 the ozone season above its allocation are not considered excess emissions.

17 ~~(14)~~(15) "Fossil fuel fired" means:

18 (A) For sources that began operation before January 1, 1996, where fossil fuel combusted either
19 alone or in combination with any other fuel, comprises more than 50 percent of the annual
20 heat input on a Btu basis during 1995, or, if a source had no heat input in 1995, during the
21 last year of operation of the unit before 1995;

22 (B) For sources that began operation on or after January 1, 1996 and before January 1, 1997,
23 where fossil fuel combusted either alone or in combination with any other fuel, comprises
24 more than 50 percent of the annual heat input on a Btu basis during 1996; or

25 (C) For sources that began operation on or after January 1, 1997:

26 (i) Where fossil fuel combusted either alone or in combination with any other fuel,
27 comprises more than 50 percent of the annual heat input on a Btu basis during any
28 year; or

29 (ii) Where fossil fuel combusted either alone or in combination with any other fuel,
30 is projected to comprise more than 50 percent of the annual heat input on a Btu
31 basis during any year, provided that the unit shall be "fossil fuel-fired" as of the
32 date, during such year, on which the source begins combusting fossil fuel.

33 ~~(15)~~(16) "Indirect-fired process heater" means an enclosed device using controlled flame where the device's
34 primary purpose is to transfer heat by indirect heat exchange to a process fluid, a process material
35 that is not a fluid, or a heat transfer material, instead of steam, for use in a process.

- (17) "Large non-EGU" or large non-electric generating unit means a stationary fossil fuel fired boiler or combustion turbine with a maximum heat input greater than 250 MMBtu/hr [which was permitted before October 31, 2000] that either:
- (A) does not serve at any time a generator producing electricity for sale; or
- (B) serves at any time a generator producing electricity for sale and qualifies under 40 CFR 72.6(b)(4), that addresses certain cogeneration facilities, as an unaffected unit for purposes of the Acid Rain Program.
- ~~(16)~~(18) "Lean-burn internal combustion engine" means a spark ignition internal combustion engine originally designed and manufactured to operate with an exhaust oxygen concentration greater than one percent.
- ~~(17)~~(19) "NOx" means nitrogen oxides.
- (20) "NOx SIP Call control period" for the purposes of the NOx SIP Call budgets in 15A NCAC 02D .1425 means the period May 1 through the end of September 30.
- ~~(18)~~(21) "Ozone season" means the period beginning May 31 and ending September 30 for 2004 and beginning May 1 and ending September 30 for all other years. 30.
- ~~(19)~~(22) "Potential emissions" means the quantity of NOx that would be emitted at the maximum capacity of a stationary source to emit NOx under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit NOx shall be treated as a part of its design if the limitation is federally enforceable. Such physical or operational limitations include air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed.
- ~~(20)~~(23) "Projected seasonal energy input" means the maximum design heat input per hour times 3300 hours.
- ~~(21)~~(24) "Projected seasonal energy output" means the maximum design energy output per hour times 3300 hours.
- ~~(22)~~(25) "Reasonable assurance" means a demonstration to the Director that a method, procedure, or technique is possible and practical for a source or facility under the expected operating conditions.
- ~~(23)~~(26) "Reasonably Available Control Technology" or "RACT" means the lowest emission limitation for NOx that a particular source can meet by the application of control technology that is reasonably available considering technological and economic feasibility.
- ~~(24)~~(27) "Reasonable effort" means the proper installation of technology designed to meet the requirements of 15A NCAC 02D .1407, .1408, or .1409 and the utilization of this technology according to the manufacturer's recommendations or other similar guidance for not less than six months, in an effort to meet the applicable limitation for a source.
- ~~(25)~~(28) "Rich-burn internal combustion engine" means a spark ignition internal combustion engine originally designed and manufactured to operate with an exhaust oxygen concentration less than or equal to one percent.

1 ~~(26)~~(29) "Seasonal energy input" means the total energy input of a combustion source during the period
2 beginning May 1 and ending September 30.

3 ~~(27)~~(30) "Seasonal energy output" means the total energy output of a combustion source during the period
4 beginning May 1 and ending September 30.

5 ~~(28)~~(31) "Shutdown" means the cessation of operation of a source or its emission control equipment.

6 ~~(29)~~(32) "Source" means a stationary boiler, combustion turbine, combined cycle system, reciprocating
7 internal combustion engine, indirect-fired process heater, or a stationary article, machine, process
8 equipment, or other contrivance, or combination thereof, from which NO_x emanate or are emitted.

9 ~~(30)~~(33) "Startup" means the commencement of operation of any source that has shutdown or ceased
10 operation for a period sufficient to cause temperature, pressure, process, chemical, or pollution
11 control device imbalance that would result in excess emissions.

12 ~~(31)~~(34) "Stationary internal combustion engine" means a reciprocating internal combustion engine that is
13 not self-propelled; however, it may be mounted on a vehicle for portability.

14 (b) Whenever reference is made to the Code of Federal Regulations in this Section, the definitions in the Code of
15 Federal Regulations shall apply unless specifically stated otherwise in a particular rule in this Section.

16
17 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(a)(10);
18 Eff. April 1, 1995;
19 Temporary Amendment Eff. August 1, 2001; November 1, 2000;
20 Amended Eff. July 18, 2002;
21 Readopted Eff. October 1, ~~2020~~2020;
22 Amended Eff. May 1, 2022.
23
24

1 15A NCAC 02D .1402 is amended as published in 36:08 NCR 595 as follows:

2
3 **15A NCAC 02D .1402 APPLICABILITY**

4 (a) The rules in this Section do not apply except as specifically set out in this Rule.

5 (b) The requirements of this Section apply to all sources May 1 through September 30 of each year.

6 (c) Rules 15A NCAC 02D .1409(c), ~~.1418~~, .1418, .1423, .1424, and ~~.1423~~, .1425 apply Statewide.

7 (d) Rules 15A NCAC 02D .1407 through .1409(b) and .1413 apply to facilities with potential emissions of NO_x
8 greater than or equal to 100 tons per year or 560 pounds per calendar day beginning May 1 through September 30 of
9 any year in the following areas:

10 (1) Cabarrus County;

11 (2) Gaston County;

12 (3) Lincoln County;

13 (4) Mecklenburg County;

14 (5) Rowan County;

15 (6) Union County; and

16 (7) Davidson Township and Coddle Creek Township in Iredell County.

17 (e) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Davidson,
18 Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North
19 Carolina Highway 801, Fulton Creek and back to Yadkin River, the Director shall initiate analysis to determine the
20 control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1,
21 the Director shall implement the specific stationary source control measures contained in this Section that are required
22 as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient
23 air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the
24 analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and
25 shall identify whether the rules implemented are to apply in Davidson, Forsyth, or Guilford County or that part of
26 Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back
27 to Yadkin River or any combination thereof. At least one week before the scheduled publication date of the North
28 Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written
29 notification to all permitted facilities within the county where the Rules are being implemented that are or may be
30 subject to the requirements of this Section, informing them that they are or may be subject to the requirements of this
31 Section. For the purposes of notifying permitted facilities in Forsyth County, "Director" means the Director of the
32 Forsyth County local air pollution control program. Compliance shall be determined by 15A NCAC 02D .1403.

33 (f) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Durham
34 County, Wake County, or Dutchville Township in Granville County, the Director shall initiate analysis to determine
35 the control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May
36 1, the Director shall implement the specific stationary source control measures contained in this Section that are
37 required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with

the ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the rules implemented are to apply in Durham County, Wake County, or Dutchville Township in Granville County or any combination thereof. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing 15A NCAC 02D .1407 through .1409(b) and 15A NCAC 02D .1413, the Director shall send written notification to all permitted facilities within the county where the Rules are being implemented that are or may be subject to the requirements of this Section, informing them that they are or may be subject to the requirements of this Section. Compliance shall be according to 15A NCAC 02D .1403.

(g) If the State nonattainment plan for ozone has failed to attain the ambient air quality standard for ozone in 40 CFR 50.9 and does not qualify for an extension of the attainment date in the Charlotte-Gastonia-Rock Hill ozone nonattainment area, the rules in this Section shall apply to facilities in Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, and Union Counties and Davidson and Coddle Creek townships in Iredell County with the potential to emit at least 50 tons of NOx per year. Once the nonattainment plan for ozone has failed and the area does not qualify for an extension of the attainment date, the Director shall notice the applicability of these Rules to those sources in the North Carolina Register and shall send written notification to all permitted facilities within the counties where the Rules are being implemented that are or may be subject to the requirements of this Section, informing them that they are or may be subject to the requirements of this Section. For the purposes of notifying permitted facilities in Mecklenburg County, "Director" means the Director of the Mecklenburg County local air pollution control program. Compliance shall be according to 15A NCAC 02D .1403.

(h) Regardless of any other statement of applicability of this Section, this Section does not apply to any:

- (1) source not required to obtain an air permit pursuant to 15A NCAC 02Q .0102 or is an insignificant activity as defined in 15A NCAC 02Q .0103;
- (2) incinerator or thermal or catalytic oxidizer used primarily for the control of air pollution;
- (3) emergency generator;
- (4) emergency use internal combustion engine; or
- (5) stationary internal combustion engine less than 2400 brake horsepower that operates no more than the following hours between May 1 and September 30:

(A) for diesel engines:

$$t = \frac{813,333}{ES}$$

(B) for natural gas-fired engines:

$$t = \frac{700,280}{ES}$$

where t equals time in hours and ES equals engine size in horsepower.

History Note: Authority G.S. 143-215.3(a)(1); 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10); Eff. April 1, 1995; Amended Eff. April 1, 1997; July 1, 1995; April 1, 1995;

1 *Temporary Amendment Eff. November 1, 2000;*
2 *Amended Eff. April 1, 2001;*
3 *Temporary Amendment Eff. August 1, 2001;*
4 *Amended Eff. June 1, 2008; July 1, 2007; March 1, 2007; July 18, 2002;*
5 *Temporary Amendment Eff. December 31, 2008;*
6 *Temporary Amendment expired September 29, 2009;*
7 *Amended Eff. January 1, 2010;*
8 *Readopted Eff. October 1, ~~2020-2020~~;*
9 *Amended Eff. May 1, 2022.*

1 15A NCAC 02D .1424 is adopted with changes as published in 36:08 NCR 595 as follows:

2
3 **15A NCAC 02D .1424 LARGE NON-ELECTRIC GENERATING UNITS**

4 (a) General requirements. The owner or operator of a large non-EGU shall comply with the monitoring, recordkeeping
5 and reporting requirements in 15A NCAC 02D .0600, with the exception of .0604 and .0612. For a period of five
6 years, the owner or operator shall maintain all records necessary for determining compliance with all applicable
7 limitations and standards of this Section.

8 (b) The owner or operator of a large non-EGU covered by this Rule may request alternative monitoring procedures if
9 the source is not required by 15A NCAC 02D .1418 or any other federal regulation to comply with 40 CFR Part 75.

10 (c) For a source subject to 40 CFR Part 60 Subpart D or Subpart Db, the source shall determine NO_x mass emissions
11 using the NO_x emission rate, total heat input derived, and time interval from each type of fuel during the NO_x SIP
12 Call control period.

13 (d) For a large non-EGU requesting an alternative monitoring procedure, one of the following monitoring options
14 shall be used to determine NO_x emissions.

- 15 (1) For sources with at least five years of historical CEMS operational data, the NO_x mass emissions
16 shall be determined ~~using~~ using the following formula:

17
$$M = K * C * Q * t / 2000$$

18 where:

19 M is the NO_x mass emissions in tons;

20 K is the conversion constant equal to 1.194E-7 pounds per standard cubic feet-parts per million
21 volume (lb/scf-ppmv);

- 22 ~~(A)~~ C is the average NO_x concentration of the unit as demonstrated by previous 40 CFR Part 75
23 monitoring; monitoring in parts per million volume (ppmv);

- 24 ~~(B)~~ Q is the average flow rate of the unit under normal operating conditions as demonstrated by previous
25 40 CFR Part 75 monitoring; and monitoring in standard cubic feet per hour (scf/hr);

- 26 ~~(C)~~ t is the total operating time; time in hours during the ozone season; and
27 2000 pounds per ton (2000 lb/ton).

- 28 (2) For sources with at least five years of historical CEMS emissions data, the NO_x mass emissions
29 shall be determined as follows:

30
$$M = R * HI * t / 2000$$

31 where:

32 M is the NO_x mass emissions in tons,

33 R is the average NO_x mass emission rate in pounds per million Btu (lb/MMBtu),

34 HI is the average heat input rate per hour in million British thermal units per hour (MMBtu/hr),

35 t is the operating time in hours during ozone season, and

36 2000 pounds per ton (2000 lb/ton).

1 ~~(2)(3)~~ For sources without historical CEMS operational ~~data, data or the CEMS data do not represent~~
2 ~~current operating conditions,~~ the large non-EGU source shall test utilizing 40 CFR Part 60,
3 Appendix A, Methods 1-4 and 7 or 7e to determine initial NOx concentration and flow rate factors
4 prior to the ozone ~~season for three years.~~ season.

5 (A) The NOx concentration and flow rate factors determined from the testing and the number
6 of hours operated during the ozone season will be used to determine NOx emissions for
7 that ozone season.

8 (B) After a total of three years of testing, the source shall use the average NOx concentration
9 and flow rate factors for subsequent ozone season NOx emissions reporting.

10 (C) Sources shall use the equation in Subparagraph (1) of this Paragraph to calculate their NOx
11 mass emissions in tons.

12 (e) A stack test shall be performed periodically in accordance with 40 CFR 51.121(i)(2) to verify NOx concentration
13 and flow factors for use in computing NOx mass emissions.

14 ~~(e)(f)~~ If the approved alternative monitoring or reporting requirements differ from those specified in a corresponding
15 rule in Subchapters 02D or 02Q of this Chapter, the permit shall contain conditions stating the monitoring or reporting
16 requirements.

17
18 *History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143.215.107(a)(5); 143.215.107(a)(7);*
19 *143.215.107(a)(10);*
20 *Eff. May 1, 2022.*

1 15A NCAC 02D .1425 is adopted with changes as published in 36:08 NCR 595 as follows:

2
3 **15A NCAC 02D .1425 NOX SIP CALL BUDGET**

4 (a) This Rule establishes general provisions and reporting requirements for the NOx SIP Call control period budgets
5 pursuant to 40 CFR 51.121 through 51.122.

6 (b) The owner or operator of an EGU or large non-EGU as defined in 15A NCAC 02D .1401 shall submit a report to
7 the Division no later than ~~120 days~~ January 30 of the calendar year after the NOx SIP Call control period listing the
8 NOx emissions from these sources during the NOx SIP Call control period. The NOx emissions in this report shall be
9 determined in accordance with 40 CFR Part 75 for EGUs and large non-EGUs subject to 15A NCAC 02D .1418, and
10 in accordance with 15A NCAC 02D .1424 for large ~~non-EGUs,~~ non-EGUs using alternative monitoring.

11 (c) The information provided by the EGU and large non-EGU sources will be used to evaluate state level NOx budgets
12 in Paragraph (d) of this Rule. The sum of the tons of NOx emitted from all such units in each control period beginning
13 after the effective date of this rule shall not exceed this budget amount.

14 (d) For North Carolina's NOx Budget Program, the following budgets shall apply:

- 15 (1) The total NOx SIP Call control period budget for ~~EGUs~~ EGUs is 31,212 tons; and
16 (2) The total NOx SIP Call control period budget for large ~~non-EGUs~~ non-EGUs is 2,329 tons.

17
18 *History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143.215.107(a)(5); 143.215.107(a)(7);*
19 *143.215.107(a)(10);*
20 *Eff. May 1, 2022.*
21
22



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

April 21, 2022

Jennifer Everett
Marine Fisheries Commission
Sent via email only to: jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review for 15A NCAC 03I .0101, .0104, .0105, .0113, .0114, .0118, 03J .0101, .0105, .0109, .0110, .0301, .0302, .0305, .0501-.0505, 03K .0101-.0109, .0111, .0201, .0202, .0204, .0205, .0207-.0209, .0301, .0302, .0304, .0305, .0401, .0505, .0507, 03L .0101-.0103, .0105, .0201-.0205, 03M .0201, .0202, .0204, .0205, .0503, 03N .0104, .0105, 03O .0101-.0105, .0107, .0109-.0111, .0113, .0114, .0203, .0205-.0211, .0301-.0303, .0401-.0406, .0502, .0504, 03P .0101, 03R .0110, .0111, .0118, 18A .0135, .0302-.0304, .0425, .0912.

Dear Ms. Everett:

At its meeting today, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period of review in order to allow the Commission additional time to address technical change requests.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Brian Liebman
Commission Counsel

Cc: Catherine Blum

Donald R. van der Vaart, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

Burgos, Alexander N

Subject: FW: RRC Requests for Changes for April 2022 meeting

From: Blum, Catherine <catherine.blum@ncdenr.gov>

Sent: Friday, April 8, 2022 11:07 AM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Maier, Shawn <Smaier@ncdoj.gov>; Klibansky, Lara <Lara.Klibansky@ncdenr.gov>

Subject: RE: RRC Requests for Changes for April 2022 meeting

Hi Brian,

Thanks, we will wait to hear from you. In case it is needed, we are providing the NCAC citations here with our request. The agency submitted responses and rewritten rules for the technical change requests for the Admin Procedures and Highly Efficient Gears rules (15A NCAC 03I .0109, 03J .0404, 03P .0102, .0201-.0203, .0301-.0304, 03R .0119). The remaining rules for which the agency is requesting an extension for the period of review pursuant to G.S. 150B-21.13 are 15A NCAC 03I .0101, .0104, .0105, .0113, .0114, .0118, 03J .0101, .0105, .0109, .0110, .0301, .0302, .0305, .0501-.0505, 03K .0101-.0109, .0111, .0201, .0202, .0204, .0205, .0207-.0209, .0301, .0302, .0304, .0305, .0401, .0505, .0507, 03L .0101-.0103, .0105, .0201-.0205, 03M .0201, .0202, .0204, .0205, .0503, 03N .0104, .0105, 03O .0101-.0105, .0107, .0109-.0111, .0113, .0114, .0203, .0205-.0211, .0301-.0303, .0401-.0406, .0502, .0504, 03P .0101, 03R .0110, .0111, .0118, 18A .0135, .0302-.0304, .0425, .0912. For administrative efficiencies, the agency is requesting to keep all 109 rules together.

Thank you,
Catherine

Catherine Blum

Rulemaking Coordinator
Division of Marine Fisheries
N.C. Department of Environmental Quality
catherine.blum@ncdenr.gov
252-726-7021

P.O. Box 769
3441 Arendell Street
Morehead City, NC 28557-0769



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Liebman, Brian R

Burgos, Alexander N

From: Liebman, Brian R
Sent: Thursday, April 21, 2022 5:26 PM
To: Everett, Jennifer
Cc: Blum, Catherine; Burgos, Alexander N
Subject: Request for Extension - April 2022 RRC Meeting
Attachments: 04.2022 EMC Extension Letter.pdf

Good afternoon,

Attached, please find a letter informing you that RRC extended the period for review for the requested rules (please see the letter for the citation to each extended rule) before them at the April meeting. Please let me know if you anticipate bringing these back before RRC at the May or June meetings, and I will work up some deadlines accordingly.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

1 15A NCAC 03I .0109 is readopted as published in 36:07 NCR 462 as follows:

2
3 **15A NCAC 03I .0109 ~~ARTIFICIAL REEFS AND RESEARCH SANCTUARIES~~**

4 (a) The Fisheries Director may, by proclamation, prohibit or restrict the taking of fish and the use of any equipment
5 in and around any ~~artificial reef or~~ research sanctuary. Any closure or restriction shall be for no more than one year,
6 subject to renewal at the discretion of the Fisheries Director.~~is subject to the following conditions:~~

7 (1) ~~Artificial reefs shall not be closed or restricted beyond 500 yards in the Atlantic Ocean or 250 yards~~
8 ~~in internal coastal waters. Artificial reefs shall be marked as near center as feasible by one readily~~
9 ~~identifiable official buoy and distances for closures or restrictions shall be measured from such buoy.~~

10 (2) ~~Any closure or restriction shall be for no more than one year, subject to renewal in the discretion of~~
11 ~~the Fisheries Director.~~

12 (3) ~~The economic effect of the closure or restriction on fishing interests with respect to the size and~~
13 ~~location of the area and the nature of the equipment affected shall be considered before such closure~~
14 ~~is made and findings shall be made in writing which findings shall be available for public inspection~~
15 ~~at the office of Division of Marine Fisheries in Morehead City.~~

16 (b) It ~~is~~ shall be unlawful to engage in any fishing activity, use any equipment, or conduct any other operation ~~which~~
17 that has been prohibited by proclamation issued under this authority.

18
19 *History Note: Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Recodified from 15A NCAC 3I .0009 Eff. December 17, 1996;*
22 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0404 is adopted as published in 36:07 NCR 467 as follows:

2
3 **15A NCAC 03J .0404 OCEAN ARTIFICIAL REEF GEAR RESTRICTIONS**

4 (a) For the purpose of this Rule:

5 (1) "hand line" shall mean fishing gear that is set and pulled by hand and consists of one vertical line to
6 which may be attached leader lines with hooks.

7 (2) "hook and line" shall mean one or more hooks attached to one or more lines and shall include rod
8 and reel, a fishing rod designed to be hand-held with a manually or electrically operated reel
9 attached.

10 (3) "spearfishing gear" shall mean spears, Hawaiian slings, or similar devices that propel pointed
11 implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar
12 means.

13 (b) It shall be unlawful to use fishing gear in Ocean Artificial Reefs designated in 15A NCAC 03R .0119 except hand
14 line, hook and line, and spearfishing gear, and except as further limited in accordance with Paragraph (d) of this Rule.

15 (c) It shall be unlawful to possess finfish taken with spearfishing gear in excess of a recreational limit within the
16 boundaries of a designated Ocean Artificial Reef.

17 (d) The Fisheries Director may, by proclamation, close the areas designated in 15A NCAC 03R .0119 to the use of
18 specific fishing gear, including the gears otherwise allowed in Paragraph (b) of this Rule, based on biological impacts
19 or user conflicts.

20 (e) The Fisheries Director may, by proclamation, designate and modify Ocean Artificial Reefs in Coastal Fishing
21 Waters of the Atlantic Ocean, based on biological impacts or variable spatial distribution, including shifted artificial
22 reef material.

23
24 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

25 *Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03P .0102 is readopted with changes as published in 36:07 NCR 498 as follows:

2
3 **15A NCAC 03P .0102 CONTESTED CASE HEARING PROCEDURES**

4 ~~Administrative-Contested case~~ hearings shall be held in accordance with ~~G.S. 150B, and the administrative hearing~~
5 ~~procedures codified at 15A NCAC 1B .0200.~~Article 3 of Chapter 150B of the General Statutes.

6
7 *History Note: Authority G.S. 113-131; 113-134; [413-182]/143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Amended Eff. August 1, 1999;*

10 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0201 is readopted as published in 36:07 NCR 499 as follows:

2
3 **SECTION .0200 - DECLARATORY RULINGS**
4

5 **15A NCAC 03P .0201 DECLARATORY RULINGS: GENERALLY**

6 At the request of any person aggrieved, as defined in G.S. 150B-2(6), the Marine Fisheries Commission may issue a
7 declaratory ruling as provided in G.S. ~~150B-4~~150B-4 and rules of this Section.
8

9 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;*

10 *Eff. April 1, 1999;*

11 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0202 is readopted as published in 36:07 NCR 499-500 as follows:

2
3 **15A NCAC 03P .0202 PROCEDURE FOR REQUESTING DECLARATORY RULINGS**

4 (a) All requests for a declaratory ruling shall be ~~filed-submitted~~ in writing ~~with the Director of the~~ to the Marine
5 Fisheries Commission Chair and addressed to the Marine Fisheries Commission Office, Division of Marine Fisheries,
6 Department of Environment and Natural Resources (DENR), 3441 Arendell Street, P.O. Box 769, Morehead City,
7 North Carolina NC 28557.

8 (b) All requests shall include the following:

- 9 (1) the ~~aggrieved person's~~ petitioner's name and address;
- 10 (2) the rule, ~~statute~~ statute, or order upon which a ruling is desired;
- 11 (3) a ~~concise~~ statement as to whether the request is for a ruling ~~on~~ on:
- 12 (A) the validity of a ~~rule or rule~~ rule;
- 13 (B) ~~on~~ the applicability of a rule, ~~order~~ order, or statute to a given factual situation; or
- 14 (C) a conflict or inconsistency within the Commission or the Department of Environmental
15 Quality regarding interpretation of a law or rule adopted by the Commission;
- 16 (4) arguments or data ~~which that~~ demonstrate ~~that~~ the petitioner is aggrieved by the rule or statute or its
17 potential application to ~~him~~ the petitioner;
- 18 (5) a statement of the consequences of a failure to issue a declaratory ruling in favor of the petitioner;
19 and
- 20 (6) a draft of the proposed ruling; and
- 21 (7) a statement of whether an oral argument is desired, and, if so, the reasons for requesting such an
22 oral argument.

23 ~~(b)(c)~~ A request for a ruling on the validity of a Commission rule shall state the petitioner's reasons for questioning
24 the validity of the rule and a brief or legal memorandum supporting the petitioner's position. A request for a ruling on
25 the applicability of a rule, order, or statute must shall include a description of the statement of the specific facts to a
26 given factual situation on which the ruling is to be based, and documentation supporting those facts. A request for a
27 ruling on the validity of a Commission rule must state the aggrieved person's reasons for questioning the validity of
28 the rule. A request for a ruling to resolve a conflict or inconsistency within the Commission or the Department
29 regarding interpretation of a law or rule adopted by the Commission shall include a written description identifying the
30 conflict or inconsistency, the interpretation provided by the agency, and the law or rule in question. A person may ask
31 for both multiple types of declaratory rulings in a single request. A request for a ruling must include or be accompanied
32 by:

- 33 (1) ~~a statement of the facts proposed for adoption by the Commission; and~~
- 34 (2) ~~a draft of the proposed ruling.~~

35 (d) In the manner provided in G.S. 150B-23(d), any other person may request to intervene in the request for
36 declaratory ruling. The request to intervene shall be determined by the Commission Chair.

37 ~~(e) Before deciding the merits of the request, the Commission may:~~

- 1 (1) ~~request additional written submissions from petitioner(s);~~
- 2 (2) ~~request a written response from the Division staff or any other person; or~~
- 3 (3) ~~hear oral argument from the petitioner(s) and Division staff.~~
- 4 ~~(d) Unless the Division waives the opportunity to be heard, it shall be a party to any request for declaratory ruling.~~
- 5 ~~Upon written request, the requesting party and the Division may each be allowed to present oral arguments to the~~
- 6 ~~Commission at a regularly scheduled meeting. Neither party may offer testimony or conduct cross examination before~~
- 7 ~~the Commission. The declaratory ruling shall be determined on the basis of the statement of facts submitted by the~~
- 8 ~~parties.~~
- 9 ~~(e) Whenever the Commission believes "for good cause" that the issuance of a declaratory ruling is undesirable, the~~
- 10 ~~Commission may refuse to issue such ruling. The Commission shall notify in writing the person requesting the ruling,~~
- 11 ~~stating the reasons for the refusal to issue a ruling on the request.~~
- 12 ~~(f) For purposes of Paragraph (e) of this Rule, the Commission shall ordinarily refuse to issue a ruling on a request~~
- 13 ~~for declaratory ruling on finding that:~~
- 14 (1) ~~the petitioner(s) and the Division cannot agree on a set of facts sufficient to support a meaningful~~
- 15 ~~ruling;~~
- 16 (2) ~~there has been a similar determination in a previous contested case or declaratory ruling;~~
- 17 (3) ~~the matter is the subject of a pending contested case hearing or litigation in any North Carolina or~~
- 18 ~~federal court; or~~
- 19 (4) ~~no genuine controversy exists as to the application of a statute or rule to the factual situation~~
- 20 ~~presented.~~
- 21 ~~(g) The Commission shall keep a record of each declaratory ruling, which shall include at a minimum the following~~
- 22 ~~items:~~
- 23 (1) ~~the request for a ruling;~~
- 24 (2) ~~any written submissions by the parties;~~
- 25 (3) ~~the statement of facts on which the ruling was based;~~
- 26 (4) ~~any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;~~
- 27 (5) ~~any other matter considered by the Commission in making the decision; and~~
- 28 (6) ~~the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons~~
- 29 ~~therefore.~~
- 30 ~~(h) A declaratory ruling is binding on the Commission and the person requesting it unless it is altered or set aside by~~
- 31 ~~the court. The Commission may not retroactively change a declaratory ruling, but nothing in this Section prevents the~~
- 32 ~~Commission from prospectively changing a ruling.~~
- 33 ~~(i) Unless the requesting party consents to the delay, failure of the Commission to issue a ruling on the merits or deny~~
- 34 ~~the request within 60 days of receipt of the request for such ruling shall constitute a denial of the request as well as a~~
- 35 ~~denial of the merits of the request and shall be subject to judicial review.~~

36

37 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;*

- 1 *Eff. April 1, 1999;*
- 2 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0203 is readopted as published in 36:07 NCR 500 as follows:

2
3 **15A NCAC 03P .0203 ~~DEFINITION~~DISPOSITION OF REQUESTS FOR DECLARATORY RULING**

4 (a) The Marine Fisheries Commission Chair shall make a determination on the completeness of a request for
5 declaratory ruling based on the requirements of this Section.

6 (b) Before the Commission decides the merits of the request, the Commission Chair may:

7 (1) request additional written submissions from the petitioner;

8 (2) allow the petitioner to file a reply to the response submitted in accordance with Subparagraph (1) of
9 this Paragraph; and

10 (3) request oral arguments from the petitioner or the petitioner's legal counsel.

11 (c) Unless the Division of Marine Fisheries waives the opportunity to be heard, it shall be a party to any request for
12 declaratory ruling. The Division shall be allowed to present a written response and oral arguments to the Commission
13 at a regularly scheduled meeting.

14 (d) The Commission shall make a decision to grant or deny the request in accordance with G.S. 150B-4.

15 (e) The Commission shall deny the request upon making any of the following findings:

16 (1) the request is not complete;

17 (2) the petitioner is not a person aggrieved;

18 (3) there has been a similar determination in a previous contested case or declaratory ruling;

19 (4) the matter is the subject of a pending contested case hearing or litigation in any North Carolina or
20 federal court;

21 (5) no genuine controversy exists as to the application of a statute, order, or rule to the factual situation
22 presented;

23 (6) the factual context put forward as the subject of the declaratory ruling was considered upon the
24 adoption of the rule being questioned, as evidenced by the rulemaking record;

25 (7) the information provided by the petitioner, the Department, or any interveners does not support a
26 determination that a rule is invalid; or

27 (8) there is no material conflict or inconsistency within the Commission or Department regarding the
28 law or rule identified by the petitioner.

29 (f) The Commission shall keep a record of each declaratory ruling, which shall include the following items:

30 (1) the request for a ruling;

31 (2) any written submission by a party;

32 (3) the statement of facts on which the ruling was based;

33 (4) any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;

34 (5) any other matter considered by the Commission in making the decision; and

35 (6) the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons
36 therefore.

(g) For purposes of ~~Rule .0202~~ of this Section, a declaratory ruling shall be deemed to be ~~"in effect" until~~ in effect until:

- (1) the statute or rule interpreted by the declaratory ruling is repealed or the relevant provisions of the statute or rule are amended or altered; ~~amended, altered or repealed~~;
- (2) any court of the Appellate Division of the General Court of Justice construes the statute or rule that is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling;
- (3) until the Commission changes the declaratory ruling prospectively for good reasons; ~~prospectively~~;
- or
- (4) until any court sets aside the declaratory ruling in litigation between the Commission or Department of ~~Environment and Natural Resources~~ Environmental Quality and the party requesting the ruling; ~~rule~~; or until any court of the Appellate Division of the General Court of Justice shall construe the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;
Eff. April 1, 1999;
Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0301 is readopted with changes as published in 36:07 NCR 500-501 as follows:

2
3 **SECTION .0300 - PETITIONS FOR RULEMAKING**
4

5 **15A NCAC 03P .0301 FORM AND CONTENTS OF ~~PETITION~~PETITIONS FOR RULEMAKING**

6 (a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Marine Fisheries Commission
7 (~~hereinafter referred to as the Commission~~) shall ~~make his~~ submit the person's request in a written petition ~~addressed~~
8 ~~to the Chairman of the Marine Fisheries Commission Chair and submitted~~ addressed to the Marine Fisheries
9 Commission Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC
10 28557. ~~Commission staff at:~~
11 ~~Marine Fisheries Commission~~
12 ~~Division of Marine Fisheries~~
13 ~~PO Box 769~~
14 ~~Morehead City, North Carolina 28557.~~

15 (b) The petition shall specify it is filed pursuant to G.S. 150B-20 and shall contain the following information:

- 16 (1) the text of the proposed rule(s);
17 (2) the statutory authority for the agency to promulgate the rule(s);
18 (3) a statement of the reasons for adoption of the proposed rule(s);
19 (4) a statement of the effect on existing rules;
20 (5) copies of any documents and data supporting the proposed rule(s);
21 (6) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including
22 an estimate of cost factors for persons affected by the proposed rule(s);
23 (7) a description of those most likely to be affected by the proposed rule(s); and
24 (8) the name(s) and address(es) of the petitioner(s).
25 (1) the text of the proposed rules for adoption or amendment;
26 (2) a statement of the reasons for adoption or amendment of the proposed rules, or the repeal of existing
27 rules;
28 (3) a statement of the effect of the requested rule changes on:
29 (A) existing rules;
30 (B) existing practices in the area involved; and
31 (C) those most likely to be affected by the requested rule changes; and
32 (4) the name and address of the petitioner.

33 (c) The petitioner may include the following information within the request:

- 34 (1) the statutory authority for the agency to promulgate the rules;
35 (2) a statement of the cost factors for persons affected by the proposed rules;
36 (3) a statement explaining the computation of the cost factors;

1 (4) a description, including the names and addresses, if known, of those most likely to be affected by
2 the proposed rules; and
3 (5) documents and data supporting the proposed rules.
4 ~~(e) When petitions and supporting documents and data exceed 10 pages in length, 15 copies of the entire petition and~~
5 ~~any attachments shall be submitted.~~
6 (d) In its review of the proposed rules, the Commission shall consider:
7 (1) whether it has the authority to adopt the rules;
8 (2) the effect of the proposed rules on existing rules, programs, and practices;
9 (3) probable costs and cost factors of the proposed rules; and
10 (4) the impact of the rules on the public and regulated entities.
11 ~~(d)(e) Petitions—A petition~~ failing to contain the required information shall be returned by the Marine Fisheries
12 Commission ~~Chairman.~~ Chair.
13
14 History Note: Authority G.S. 113-134; 113-182; ~~113-182.1~~; 113-201; 143B-289.51; 143B-289.52; 150B-20;
15 Eff. April 1, 1999;
16 Readopted Eff. May 1, 2022.

1 15A NCAC 03P .0302 is readopted as published in 36:07 NCR 501 as follows:

2
3 **15A NCAC 03P .0302 REVIEW OF RULEMAKING PETITIONS BY A COMMITTEE OF THE**
4 **COMMISSION**

5 (a) The Marine Fisheries Commission ~~Chairman~~Chair may refer ~~duly submitted petitions~~complete petitions, as set
6 forth in Rule .0301 of this Section, to the appropriate standing advisory ~~committee(s)~~committees or other advisory
7 ~~committee(s)~~committees of the Commission for review and recommended action. Copies of petitions for rulemaking
8 shall be distributed to the Commission members when referred to a committee of the Commission.

9 (b) ~~The Chairman~~Within 10 days of the assignment of the complete petition, the Chair of the Committee assigned to
10 review a submitted petition for rulemaking shall announce the date of a meeting to consider the ~~petition within 10~~
11 ~~days of the assignment of the~~petition.

12 (c) At least 15 days before the Committee meeting, the Committee ~~Chairman~~Chair shall send notice of the Committee
13 meeting to the petitioner, members of the Commission, and persons who have requested notice of petitions for
14 rulemaking.

15 (d) ~~The~~If the petition is referred to a Committee, the petitioner shall be afforded the opportunity to present the petition
16 for rulemaking to the Committee. The Fisheries Director, through Division of Marine Fisheries staff, or their legal
17 counsel may make a presentation to the Committee.

18 (e) The Committee Chair shall allow one interested person to present the viewpoint of those who oppose initiating
19 rulemaking. The Committee Chair may determine whether additional interested persons shall make oral presentations
20 before the Committee.

21 ~~(e)(f) Interested~~At least 10 days before the Committee meeting, interested persons ~~must~~shall request the opportunity
22 to make a presentation to the ~~Committee(s)~~Committees through the ~~Committee(s) chair(s)~~Chairs of the Committees.
23 The request shall:

- 24 (1) state the interest of the ~~person~~person;
25 (2) state the ~~person's~~person's position on the petition for ~~rulemaking, rulemaking;~~ and
26 (3) be accompanied by supporting materials.

27 ~~The Chairman of the Committee will determine whether additional interested persons make oral presentations before~~
28 ~~the Committee.~~

29 ~~(f) The Chairman of the Committee will determine whether a public meeting should be conducted by the Committee~~
30 ~~before it makes a recommendation on the petition for rulemaking.~~

31 (g) During the ~~Committee's~~Committee's review, members of the Commission, other than Committee members, who
32 are present may participate as a member of the Committee in discussions of the petition but may not vote on the
33 recommended action on the petition.

34
35 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-20;*

36 *Eff. April 1, 1999;*

37 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0303 is readopted as published in 36:07 NCR 501-502 as follows:

2
3 **15A NCAC 03P .0303 PRESENTATION OF RULEMAKING PETITIONS TO THE COMMISSION**

4 (a) ~~Petitions~~ A complete petition for rulemaking, when deemed complete by the Marine Fisheries Commission
5 Chairman, as set forth in Rule .0301 of this Section, shall be presented to the Marine Fisheries Commission for its
6 consideration and determination at the next regularly scheduled meeting of the Commission.

7 (b) If the petition for rulemaking was reviewed by a Committee pursuant to Rule .0302 of this Section, the petition
8 and the Committee's recommended action shall be presented through the Chair of the Committee or other designated
9 member of the Committee during the business session of the Commission. Unless the Commission Chair rules
10 otherwise, discussion on the petition shall be limited to the members of the Commission, legal counsel to the
11 Commission, the Fisheries Director, Division of Marine Fisheries staff, legal counsel to the Department of
12 Environmental Quality, the petitioner, and the petitioner's legal counsel.

13 (c) For a petition not referred to a Committee, the Commission Chair shall allow one interested person to present the
14 viewpoint of those who oppose initiating rulemaking. The Commission Chair may determine whether additional
15 interested persons shall make oral presentations before the Commission. At least 10 days before the Commission
16 meeting, interested persons shall request the opportunity to make a presentation to the Commission through the
17 Commission Chair. The request shall:

- 18 (1) state the interest of the person;
19 (2) state the person's position on the petition for rulemaking; and
20 (3) be accompanied by supporting materials.

21 ~~(b)(d)~~ Within 120 days following submission of the petition requesting rulemaking, the Marine Fisheries Commission
22 shall:

- 23 (1) grant the petition in writing, notify the petitioner in writing, and initiate rulemaking proceedings in
24 accordance with G.S. 150B-20 and notify the person(s) who submitted the petition of the decision
25 in writing; 150B-20; or
26 (2) deny the petition in writing, stating the reason or reasons for the denial, and send the written denial
27 to the person(s) person or persons who submitted the petition.

28
29 *History Note: Authority G.S. 113-134; 113-182; ~~143B-289.51~~; 143B-289.52; 150B-20;*
30 *Eff. April 1, 1999;*
31 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0304 is repealed through readoption as published in 36:07 NCR 502 as follows:

2
3 **15A NCAC 03P .0304 RECURSE TO DENIAL OF THE PETITION**

4
5 *History Note: Authority G.S. 113-134; 113-182; 143B-289.51; 150B-20;*

6 *Eff. April 1, 1999;*

7 *Repealed Eff. May 1, 2022.*

1 15A NCAC 03R .0119 is adopted as published in 36:07 NCR 509 as follows:

2
3 **15A NCAC 03R .0119 OCEAN ARTIFICIAL REEFS**

4 The Ocean Artificial Reefs referenced in 15A NCAC 03J .0404 are delineated in the following Coastal Fishing Waters
5 of the Atlantic Ocean:

- 6 (1) AR-160: within the circular area described by a center point at 35° 43.8880' N - 75° 26.7710' W and
7 radius extending 1,500 feet.
- 8 (2) AR-165: within the circular area described by a center point at 35° 41.6720' N - 75° 26.3130' W and
9 radius extending 1,500 feet.
- 10 (3) AR-275: within the circular area described by a center point at 34° 50.0930' N - 76° 16.8800' W and
11 radius extending 1,500 feet.
- 12 (4) AR-315: within the circular area described by a center point at 34° 40.0850' N - 76° 44.8270' W and
13 radius extending 3,000 feet.
- 14 (5) AR-320: within the circular area described by a center point at 34° 39.5330' N - 76° 48.4170' W and
15 radius extending 1,500 feet.
- 16 (6) AR-342: within the circular area described by a center point at 34° 36.6720' N - 77° 2.1890' W and
17 radius extending 1,500 feet.
- 18 (7) AR-360: within the circular area described by a center point at 34° 20.9830' N - 77° 36.1830' W and
19 radius extending 1,500 feet.
- 20 (8) AR-364: within the circular area described by a center point at 34° 14.8060' N - 77° 42.8550' W and
21 radius extending 1,500 feet.
- 22 (9) AR-370: within the circular area described by a center point at 34° 10.4530' N - 77° 45.2810' W and
23 radius extending 3,000 feet.
- 24 (10) AR-378: within the circular area described by a center point at 34° 1.8070' N - 77° 52.0910' W and
25 radius extending 1,500 feet.
- 26 (11) AR-378b: within the circular area described by a center point at 34° 0.6420' N - 77° 50.6540' W and
27 radius extending 1,500 feet.
- 28 (12) AR-425: within the circular area described by a center point at 33° 53.0480' N - 78° 6.5250' W and
29 radius extending 1,500 feet.
- 30 (13) AR-430: within the circular area described by a center point at 33° 52.2560' N - 78° 09.9680' W and
31 radius extending 1,500 feet.

32
33 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
34 *Eff. (Pending legislative review of 15A NCAC 03J .0404).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .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 (1)(c), line 19, is "Coastal Fishing Waters" as defined in 03Q .0103? If so, a cross reference would be useful here.

In (1)(f), p.2, line 1, what are "shellfish growing waters"?

In (1)(f)(iv), line 11, what are the "other potential sources of pollution" that would render consumption of shellfish hazardous? Are these defined elsewhere?

In (1)(f)(v), do I understand correctly that the Division presumes that shellfish growing waters are polluted unless monitoring shows that they are not? Is there statutory authority for this?

In (5)(d), p.9, line 13, does "franchise" refer only to perpetual franchises, or are there other kinds of franchises recognized by the law?

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

1 15A NCAC 03I .0101 is readopted as published in 36:07 NCR 453-460 as follows:

2
3 **SUBCHAPTER 03I – GENERAL RULES**

4
5 **SECTION .0100 – GENERAL RULES**

6
7 **15A NCAC 03I .0101 DEFINITIONS**

8 All definitions set out in G.S. 113, Subchapter IV and the following additional terms shall apply to this Chapter:

9 (1) ~~Enforcement~~ enforcement and management terms:

10 (a) ~~Commercial Quota. Total.~~ "Commercial quota" means total quantity of fish allocated for
11 harvest by commercial fishing operations.

12 (b) ~~Educational Institution. A~~ "Educational institution" means a college, university, or
13 community college accredited by an accrediting agency recognized by the U.S. Department
14 of Education; an Environmental Education Center certified by the N.C. Department of
15 ~~Environment and Natural Resources~~ Environmental Quality Office of Environmental
16 Education and Public Affairs; or a zoo or aquarium certified by the Association of Zoos
17 and Aquariums.

18 (c) ~~Internal Coastal Waters or Internal Waters. All~~ "Internal Coastal Waters" or "Internal
19 Waters" means all Coastal Fishing Waters except the Atlantic Ocean.

20 (d) ~~Length of finfish.~~ length of finfish:

21 (i) ~~Curved fork length. A~~ "Curved fork length" means a length determined by
22 measuring along a line tracing the contour of the body from the tip of the upper
23 jaw to the middle of the fork in the caudal (tail) fin.

24 (ii) ~~Fork length. A~~ "Fork length" means a length determined by measuring along a
25 straight line the distance from the tip of the snout with the mouth closed to the
26 middle of the fork in the caudal (tail) fin, except that fork length for billfish is
27 measured from the tip of the lower jaw to the middle of the fork of the caudal
28 (tail) fin.

29 (iii) ~~Pectoral fin curved fork length. A~~ "Pectoral fin curved fork length" means a
30 length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork
31 of the tail measured along the contour of the body in a line that runs along the top
32 of the pectoral fin and the top of the caudal keel.

33 (iv) ~~Total length. A~~ "Total length" means a length determined by measuring along a
34 straight line the distance from the tip of the snout with the mouth closed to the tip
35 of the compressed caudal (tail) fin.

36 (e) "Nongovernmental conservation organization" means an organization whose primary
37 mission is the conservation of natural resources.

- (f) "Polluted" means any shellfish growing waters:
- (i) that are contaminated with fecal material, pathogenic microorganisms, poisonous or deleterious substances, or marine biotoxins that render the consumption of shellfish from those growing waters hazardous;
 - (ii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be adjacent to a sewage treatment plant outfall or other point source outfall with public health significance;
 - (iii) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be in or adjacent to a marina;
 - (iv) that have been determined through a sanitary survey as defined in 15A NCAC 18A .0901 to be impacted by other potential sources of pollution that render the consumption of shellfish from those growing waters hazardous; or
 - (v) where the Division of Marine Fisheries is unable to complete the monitoring necessary to determine the presence of contamination or potential pollution sources.
- ~~(e)(g) Recreational Possession Limit. Restrictions~~ "Recreational possession limit" means restrictions on size, quantity, season, time period, area, means, and methods where take or possession is for a recreational purpose.
- ~~(f)(h) Recreational Quota. Total~~ "Recreational quota" means total quantity of fish allocated for harvest for a recreational purpose.
- ~~(g)(i) Regular Closed Oyster Season.~~ "Regular closed oyster season" means March 31 through October 15, unless amended by the Fisheries Director through proclamation authority.
- ~~(h)(j) Scientific Institution. One~~ "Scientific institution" means one of the following entities:
- (i) ~~An~~ a ~~an~~ educational institution as defined in this Item;
 - (ii) ~~A~~ a state or federal agency charged with the management of marine or estuarine resources; or
 - (iii) ~~A~~ a professional organization or secondary school working under the direction of, or in compliance with mandates from, the entities listed in ~~Subitems (h)(i) Sub-~~ items (j)(i) and (ii) of this Item.
- ~~(i) Seed Oyster Management Area. An open harvest area that, by reason of poor growth characteristics, predation rates, overcrowding or other factors, experiences poor utilization of oyster populations for direct harvest and sale to licensed dealers and is designated by the Marine Fisheries Commission as a source of seed for public and private oyster culture.~~
- (2) ~~Fishing Activities:~~ fishing activities:
- (a) ~~Aquaculture operation. An~~ "Aquaculture operation" means an operation that produces artificially propagated stocks of marine or estuarine resources ~~resources, or other non-native species that may thrive if introduced into Coastal Fishing Waters, or obtains such~~

stocks from permitted sources for the purpose of rearing on private bottom (with or without the superadjacent water column) or in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following:

- (i) food;
- (ii) predator protection;
- (iii) salinity;
- (iv) temperature controls; or
- ~~(v) water circulation;~~

~~utilizing technology not found in the natural environment.~~

(v) water circulation, utilizing technology not found in the natural environment.

(b) ~~Attended. Being "Attended" means being~~ in a vessel, in the water or on the shore, and immediately available to work the gear and be within 100 yards of any gear in use by that person at all times. Attended does not include being in a building or structure.

(c) ~~Blue Crab Shedding. The "Blue crab shedding" means the process whereby a blue crab emerges soft from its former hard exoskeleton. A shedding operation is any operation that holds peeler crabs in a controlled environment. A controlled environment provides and maintains throughout the shedding process one or more of the following:~~

- (i) food;
- (ii) predator protection;
- (iii) salinity;
- (iv) temperature controls; or

(v) water circulation, utilizing technology not found in the natural environment. A shedding operation does not include transporting pink or red-line peeler crabs to a permitted shedding operation.

(d) ~~Depuration. Purification~~ "Depuration" means mechanical purification or the removal of adulteration from live oysters, clams, or mussels by any ~~natural or~~ artificially controlled means.

(e) ~~Long Haul Operations. Fishing~~ "Long haul operation" means fishing a seine towed between two vessels.

(f) ~~Peeler Crab. A~~ "Peeler crab" means a blue crab that has a soft shell developing under a hard shell and having a white, pink, or red-line or rim on the outer edge of the back fin or flipper.

(g) ~~Possess. Any~~ "Possess" means any actual or constructive holding whether under claim of ownership or not.

(h) ~~Recreational Purpose. A~~ "Recreational purpose" means a fishing activity that is not a commercial fishing operation as defined in G.S. 113-168.

- (i) ~~Shellfish marketing from leases and franchises.~~ The "Shellfish marketing from leases and franchises" means the harvest of oysters, clams, scallops, or mussels from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.
- (j) ~~Shellfish planting effort on leases and franchises.~~ The "Shellfish planting effort on leases and franchises" means the process of obtaining authorized cultch materials, seed shellfish, and ~~polluted~~ shellfish stocks from polluted waters and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
- (k) ~~Shellfish production on leases and franchises.~~ "Shellfish production on leases and franchises" means:
- (i) ~~The~~ the culture of oysters, clams, scallops, or mussels on shellfish leases and franchises from a sublegal harvest size to a marketable size.
- (ii) ~~The~~ the transplanting (relay) of oysters, clams, scallops, or mussels from areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.
- (l) ~~Swipe Net Operations. Fishing.~~ "Swipe net operations" means fishing a seine towed by one vessel.
- (m) ~~Transport. Ship.~~ "Transport" means to ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
- (n) ~~Use. Employ.~~ "Use" means to employ, set, operate, or permit to be operated or employed.
- (3) ~~Gear: gear:~~
- (a) ~~Bunt Net.~~ The "Bunt net" means the last encircling net of a long haul or swipe net operation constructed of small mesh webbing. The bunt net is used to form a pen or pound from which the catch is dipped or bailed.
- (b) ~~Channel Net.~~ A "Channel net" means a net used to take shrimp that is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a vessel.
- (c) ~~Commercial Fishing Equipment or Gear.~~ All "Commercial fishing equipment or gear" means all fishing equipment used in Coastal Fishing Waters except:
- (i) ~~Cast~~ cast nets;
- (ii) ~~Collapsible~~ collapsible crab traps, a trap used for taking crabs with the largest open dimension no larger than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved from or lowered to the bottom;
- (iii) ~~Dip~~ dip nets or scoops having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;

- (iv) ~~Gigs-gigs~~ or other pointed implements that are propelled by hand, whether or not the implement remains in the hand;
- (v) ~~Hand-hand~~ operated rakes no more than 12 inches wide and weighing no more than six pounds and hand operated tongs;
- (vi) ~~Hook and line and bait and line~~ hook and line, and bait and line equipment other than multiple-hook or multiple-bait trotline;
- (vii) ~~Landing-landing~~ nets used to assist in taking fish when the initial and primary method of taking is by the use of hook and line;
- (viii) ~~Minnow-minnow~~ traps when no more than two are in use;
- (ix) ~~Seines-seines~~ less than 30 feet in length;
- (x) ~~Spears, spears~~, Hawaiian slings, or similar devices that propel pointed implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar means.
- (d) ~~Corkline. The "Corkline"~~ means the support structure a net is attached to that is nearest to the water surface when in use. Corkline length is measured from the outer most mesh knot at one end of the corkline following along the line to the outer most mesh knot at the opposite end of the corkline.
- (e) ~~Dredge. A "Dredge"~~ means a device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
- (f) ~~Fixed or stationary net. A "Fixed or stationary net"~~ means a net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
- (g) ~~Fyke Net. An "Fyke net"~~ means an entrapment net supported by a series of internal or external hoops or frames, with one or more lead or leaders that guide fish to the net mouth. The net has one or more internal funnel-shaped openings with tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).
- (h) ~~Gill Net. A "Gill net"~~ means a net set vertically in the water to capture fish by entanglement of the gills in its mesh as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.
- (i) ~~Headrope. The "Headrope"~~ means the support structure for the mesh or webbing of a trawl that is nearest to the water surface when in use. Headrope length is measured from the outer most mesh knot at one end of the headrope following along the line to the outer most mesh knot at the opposite end of the headrope.
- (j) ~~Hoop Net. An "Hoop net"~~ means an entrapment net supported by a series of internal or external hoops or frames. The net has one or more internal funnel-shaped openings with

tapered ends directed inward from the mouth, through which fish enter the enclosure. The portion of the net designed to hold or trap the fish is completely enclosed in mesh or webbing, except for the openings for fish passage into or out of the net (funnel area).

(k) ~~Lead.~~ A "Lead" means a mesh or webbing structure consisting of nylon, monofilament, plastic, wire, or similar material set vertically in the water and held in place by stakes or anchors to guide fish into an enclosure. Lead length is measured from the outer most end of the lead along the top or bottom line, whichever is longer, to the opposite end of the lead.

(l) ~~Mechanical methods for clamming. Dredges.~~ "Mechanical methods for clamming" means dredges, hydraulic clam dredges, stick rakes, and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.

(m) ~~Mechanical methods for oystering. Dredges.~~ "Mechanical methods for oystering" means dredges, patent tongs, stick rakes, and other rakes when towed by engine power, and any other method that utilizes mechanical means to harvest oysters.

(n) ~~Mesh Length.~~ The "Mesh length" means the distance from the inside of one knot to the outside of the opposite knot, when the net is stretched hand-tight in a manner that closes the mesh opening.

(o) ~~Pound Net Set.~~ A "Pound net set" means a fish trap consisting of a holding pen, one or more enclosures, lead or leaders, and stakes or anchors used to support the trap. The holding pen, enclosures, and lead(s) are not conical, nor are they supported by hoops or frames.

(p) ~~Purse Gill Nets.~~ Any "Purse gill net" means any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.

(q) ~~Seine.~~ A "Seine" means a net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh length, webbing diameter, or method in which it is used.

(4) ~~Fish habitat areas.~~ The "Fish habitat areas" means the estuarine and marine areas that support juvenile and adult populations of fish species, as well as forage species utilized in the food chain. Fish habitats as used in this definition, are vital for portions of the entire life cycle, including the early growth and development of fish species. Fish habitats in all Coastal Fishing Waters, as determined through marine and estuarine survey sampling, include:

(a) ~~Anadromous fish nursery areas.~~ Those "Anadromous fish nursery areas" means those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.

- (b) ~~Anadromous fish spawning areas.~~ Those "Anadromous fish spawning areas" means those areas where evidence of spawning of anadromous fish has been documented in Division sampling records through direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
- (c) ~~Coral.~~ "Coral" means:
- (i) ~~Fire~~ fire corals and hydrocorals (Class Hydrozoa);
 - (ii) ~~Stony~~ stony corals and black corals (Class Anthozoa, Subclass Scleractinia); or
 - (iii) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia), which include sea fans (*Gorgonia* sp.), sea whips (*Leptogorgia* sp. and *Lophogorgia* sp.), and sea pansies (*Renilla* sp.).
- (d) ~~Intertidal Oyster Bed.~~ A "Intertidal oyster bed" means a formation, regardless of size or shape, formed of shell and live oysters of varying density.
- (e) ~~Live rock.~~ Living "Live rock" means living marine organisms or an assemblage thereof attached to a hard substrate, excluding mollusk shells, but including dead coral or rock. Living marine organisms associated with hard bottoms, banks, reefs, and live rock include:
- (i) Coralline algae (Division Rhodophyta);
 - (ii) *Acetabularia* sp., mermaid's fan and cups (*Udotea* sp.), watercress (*Halimeda* sp.), green feather, green grape algae (*Caulerpa* sp.) (Division Chlorophyta);
 - (iii) *Sargassum* sp., *Dictyopteris* sp., *Zonaria* sp. (Division Phaeophyta);
 - (iv) ~~Sponges~~ sponges (Phylum Porifera);
 - (v) ~~Hard~~ hard and soft corals, sea anemones (Phylum Cnidaria), including fire corals (Class Hydrozoa), and Gorgonians, whip corals, sea pansies, anemones, *Solenastrea* (Class Anthozoa);
 - (vi) Bryozoans (Phylum Bryozoa);
 - (vii) ~~Tube~~ tube worms (Phylum Annelida), fan worms (*Sabellidae*), feather duster and Christmas treeworms (*Serpulidae*), and sand castle worms (*Sabellaridae*);
 - (viii) ~~Mussel~~ mussel banks (Phylum Mollusca: Gastropoda); and
 - (ix) ~~Acorn~~ acorn barnacles (Arthropoda: Crustacea: *Semibalanus* sp.).
- (f) ~~Nursery areas.~~ Areas "Nursery areas" means areas that for reasons such as food, cover, bottom type, salinity, temperature, and other factors, young finfish and crustaceans spend the major portion of their initial growing season. Primary nursery areas are those areas in the estuarine system where initial post-larval development takes place. These are areas where populations are uniformly early juveniles. Secondary nursery areas are those areas in the estuarine system where later juvenile development takes place. Populations are composed of developing sub-adults of similar size that have migrated from an upstream primary nursery area to the secondary nursery area located in the middle portion of the estuarine system.

(g) ~~Shellfish producing habitats. Historic~~ "Shellfish producing habitats" means historic or
existing areas that shellfish, such as clams, oysters, scallops, mussels, and whelks use to
reproduce and survive because of such favorable conditions as bottom type, salinity,
currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish
harvest due to pollution.

(h) ~~Strategic Habitat Areas. Locations~~ "Strategic Habitat Areas" means locations of individual
fish habitats or systems of habitats that provide exceptional habitat functions or that are
particularly at risk due to imminent threats, vulnerability, or rarity.

(i) ~~Submerged aquatic vegetation (SAV) habitat. Submerged~~ "Submerged aquatic vegetation
(SAV) habitat" means submerged lands that:

(i) are vegetated with one or more species of submerged aquatic vegetation including
bushy pondweed or southern naiad (*Najas guadalupensis*), coontail
(*Ceratophyllum demersum*), eelgrass (*Zostera marina*), horned pondweed
(*Zannichellia palustris*), naiads (*Najas* spp.), redhead grass (*Potamogeton*
perfoliatus), sago pondweed (*Stuckenia pectinata*, formerly *Potamogeton*
pectinatus), shoalgrass (*Halodule wrightii*), slender pondweed (*Potamogeton*
pusillus), water stargrass (*Heteranthera dubia*), water starwort (*Callitriche*
heterophylla), waterweeds (*Elodea* spp.), widgeongrass (*Ruppia maritima*), and
wild celery (*Vallisneria americana*). These areas may be identified by the presence
of above-ground leaves, below-ground rhizomes, or reproductive structures
associated with one or more SAV species and include the sediment within these
areas; or

(ii) have been vegetated by one or more of the species identified in Sub-item (4)(i)(i)
of this Rule within the past 10 annual growing seasons and that meet the average
physical requirements of water depth (six feet or less), average light availability
(secchi depth of one foot or more), and limited wave exposure that characterize
the environment suitable for growth of SAV. The past presence of SAV may be
demonstrated by aerial photography, SAV survey, map, or other documentation.
An extension of the past 10 annual growing seasons criteria may be considered
when average environmental conditions are altered by drought, rainfall, or storm
force winds.

This habitat occurs in both subtidal and intertidal zones and may occur in isolated patches
or cover extensive areas. In defining SAV habitat, the Marine Fisheries Commission
recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not
intend the submerged aquatic vegetation definition, or this Rule or ~~Rules 03K .0304-15A~~
NCAC 03K .0304 and .0404, to apply to or conflict with the non-development control
activities authorized by that Act.

- (5) ~~Licenses,~~ licenses, permits, leases and franchises, and record keeping:
- (a) ~~Assignment. Temporary~~ "Assignment" means temporary transferal to another person of privileges under a license for which assignment is permitted. The person assigning the license delegates the privileges permitted under the license to be exercised by the assignee, but retains the power to revoke the assignment at any time, and is still the responsible party for the license.
- (b) ~~Designee. Any~~ "Designee" means any person who is under the direct control of the permittee or who is employed by or under contract to the permittee for the purposes authorized by the permit.
- (c) ~~For Hire Vessel. As~~ "For hire vessel", as defined by G.S. 113-174, means when the vessel is fishing in ~~state~~ State waters or when the vessel originates from or returns to a North Carolina port.
- (d) "Franchise" means a franchise recognized pursuant to G.S. 113-206.
- ~~(d)(e)~~ Holder. A "Holder" means a person who has been lawfully issued in his or her the person's name a license, permit, franchise, lease, or assignment.
- ~~(e)(f)~~ Land: "Land" means:
- (i) ~~For for~~ commercial fishing operations, when fish reach the shore or a structure connected to the shore.
- (ii) ~~For for~~ purposes of trip tickets, when fish reach a licensed seafood dealer, or where the fisherman is the dealer, when fish reach the shore or a structure connected to the shore.
- (iii) ~~For for~~ recreational fishing operations, when fish are retained in possession by the fisherman.
- ~~(f)(g)~~ Licensee. Any "Licensee" means any person holding a valid license from the Department to take or deal in marine fisheries resources.
- ~~(g)(h)~~ Logbook. Paper "Logbook" means paper forms provided by the Division and electronic data files generated from software provided by the Division for the reporting of fisheries statistics by persons engaged in commercial or recreational fishing or for-hire operators.
- ~~(h)(i)~~ Master. Captain "Master" means captain or operator of a vessel or one who commands and has control, authority, or power over a vessel.
- ~~(i)(j)~~ New fish dealer. Any "New fish dealer" means any fish dealer making application for a fish dealer license who did not possess a valid dealer license for the previous license year in that name. For purposes of license issuance, adding new categories to an existing fish dealers license does not constitute a new dealer.
- ~~(j)(k)~~ Office of the Division. Physical "Office of the Division" means physical locations of the Division conducting license and permit transactions in Wilmington, Washington, Morehead City, Roanoke Island, and Elizabeth City, North Carolina. Other businesses or

1 entities designated by the Secretary to issue Recreational Commercial Gear Licenses or
2 Coastal Recreational Fishing Licenses are not considered Offices of the Division.

3 ~~(k)(l)~~ ~~Responsible party. Person~~ "Responsible party" means the person who coordinates,
4 supervises, or otherwise directs operations of a business entity, such as a corporate officer
5 or executive level supervisor of business operations, and the person responsible for use of
6 the issued license in compliance with applicable statutes and rules.

7 ~~(l)(m)~~ ~~Tournament Organizer. The~~ "Tournament organizer" means the person who coordinates,
8 supervises, or otherwise directs a recreational fishing tournament and is the holder of the
9 Recreational Fishing Tournament License.

10 ~~(m)(n)~~ ~~Transaction. Act~~ "Transaction" means an act of doing business such that fish are sold,
11 offered for sale, exchanged, bartered, distributed, or landed.

12 ~~(n)(o)~~ ~~Transfer. Permanent~~ "Transfer" means permanent transferal to another person of privileges
13 under a license for which transfer is permitted. The person transferring the license retains
14 no rights or interest under the license transferred.

15 ~~(o)(p)~~ ~~Trip Ticket. Paper~~ "Trip ticket" means paper forms provided by the Division and electronic
16 data files generated from software provided by the Division for the reporting of fisheries
17 statistics by licensed fish dealers.

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19 *History Note: Authority G.S. 113-134; 113-174; 113-182; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Amended Eff. March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993;*
22 *Recodified from 15A NCAC 03I .0001 Eff. December 17, 1996;*
23 *Amended Eff. April 1, 1999; August 1, 1998; April 1, 1997;*
24 *Temporary Amendment Eff. May 1, 2000; August 1, 1999; July 1, 1999;*
25 *Amended Eff. August 1, 2000;*
26 *Temporary Amendment Eff. August 1, 2000;*
27 *Amended Eff. May 1, 2015; April 1, 2014; April 1, 2011; April 1, 2009; October 1, 2008; December*
28 *1, 2007; December 1, 2006; September 1, 2005; April 1, 2003; April 1, 2001;*
29 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .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 changes be made:

In (a)(1), line 10, please capitalize "coastal fishing waters" to be consistent with the rest of the Rule.

In (b)(1), lines 27-29, what is it that the Fisheries Director is determining? Is it the diseases that pose a risk to NC's marine or estuarine resources/environment? If so, how is this determination made and how is the veterinary service to know what diseases these are?

In (c), line 33, add the oxford comma following "quarantine".

In (c), for my information, how can destruction of organisms/materials be a condition of a permit? What is being imported at that point?

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

1 15A NCAC 03I .0104 is readopted as published in 36:07 NCR 460-461 as follows:

2
3 **15A NCAC 03I .0104 INTRODUCE, ~~TRANSFER~~ TRANSFER, OR HOLD IMPORTED MARINE AND**
4 **ESTUARINE ORGANISMS**

5 (a) ~~In order to~~ To protect the marine and estuarine resources of North Carolina from unacceptable risks from predators,
6 pests, parasites, and disease, it ~~is~~ shall be unlawful, except for American eels imported from Maryland, Virginia, or
7 South Carolina for use in an aquaculture operation, without first obtaining a permit Permit to Introduce, Transfer, or
8 Hold Imported Marine and Estuarine Organisms from the Fisheries Director or without obtaining live marine ~~and or~~
9 estuarine organisms from a ~~permit holder~~ permittee to:

- 10 (1) ~~To~~ place into the coastal fishing waters of the ~~state~~ State live marine ~~and or~~ estuarine organisms ~~not~~
11 ~~native non-native~~ to the ~~state~~ State. For the purpose of this Rule, this action is an introduction.
- 12 (2) ~~To~~ place into the coastal fishing waters of the ~~state~~ State live marine ~~and or~~ estuarine organisms
13 ~~which that~~ are native but ~~which that~~ originated outside the State's boundaries. For the purpose of
14 this Rule, this action is a transfer.
- 15 (3) ~~To~~ hold or maintain any live marine or estuarine ~~organism~~ organisms, including non-native species
16 that may thrive if introduced into Coastal Fishing Waters, imported into the ~~state~~ State in a
17 quarantine or isolation system for live bait or use in an aquaculture operation as defined in ~~15A~~
18 ~~NCAC 03I .0101~~ Rule .0101 of this Section.
- 19 (4) ~~To~~ sell for bait any live marine or estuarine ~~organism~~ organisms, including non-native species that
20 may thrive if introduced into Coastal Fishing Waters, imported into the ~~state~~ State.

21 (b) Any person desiring to obtain a Permit to Introduce, ~~Transfer~~ Transfer, or Hold Imported Marine and Estuarine
22 Organisms ~~must make written~~ shall submit a complete application to the Division of Marine Fisheries, 3441 Arendell
23 Street, P.O. Box 769, Morehead City, NC 28557-0769-28557. The procedures and requirements for obtaining permits
24 are found in 15A NCAC 03O .0500. In order for For the Fisheries Director to determine the level of risk to any native
25 marine or estuarine resource or the environment, the applicant shall ~~provide~~ also provide a certification from a:

- 26 (1) ~~A certification from a~~ pathologist that a sample of 60 organisms from proposed shipments are
27 disease free or a certification from a governmental veterinary service that the organisms to be
28 shipped were produced in an area or facility free of diseases posing a risk to North Carolina's marine
29 or estuarine resources, or their environment, as determined by the Fisheries Director; and
- 30 (2) ~~A certification from a~~ biologist or veterinarian that macroscopic and microscopic examination
31 indicates the shipment contains only those ~~species~~ species, sizes, and quantities identified on the
32 permit application.

33 (c) The Fisheries Director shall require disinfection, quarantine or destruction of organisms and transfer materials as
34 a condition of the permit, upon finding the importation poses a risk to North Carolina's marine or estuarine resources,
35 or their environment.

36 (d) The Fisheries Director may hold public meetings prior to granting permits for activities specified in Paragraph (a)
37 of this Rule to gather information concerning risks to native marine or estuarine resources or the environment.

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*History Note: Authority G.S. 113-134; 113-170; 113-182; 143B-289.52; S.L. 2017-190; S.L. 2018-114;
Eff. January 1, 1991;
Amended Eff. November 1, 1991;
Recodified from 15A NCAC 3I .0004 Eff. December 17, 1996;
Amended Eff. April 1, 2009;
Amended Eff. (Pending legislative review pursuant to S.L. 2017-190 and S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .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 changes be made:

In (c), line 11, the reference to Paragraph (c) should be changed to Paragraph (d).

In (c), lines 14 and 16, does “agents of the Fisheries Director” refer to “inspectors” or “protectors” as defined in G.S. 113-136?

Does this Rule have application to recreational fishermen who might use pots? Paragraphs (d) and (e) define the contours of “hardship” for commercial fisherman, but are silent for recreational fisherman.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03I .0105 is readopted as published in 36:07 NCR 461 as follows:

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3 **15A NCAC 03I .0105 LEAVING DEVICES UNATTENDED**

4 (a) It ~~is shall be~~ unlawful to leave stakes, anchors, nets, buoys, or floating devices in ~~any coastal fishing waters when~~
5 Coastal Fishing Waters if such devices are not being employed in commercial fishing operations, except
6 as otherwise provided by rule or General Statute.

7 (b) It shall be unlawful to use or possess fishing equipment in Coastal Fishing Waters in violation of this Section or
8 that contains edible species of fish unfit for human consumption.

9 ~~(b)(c)~~ (c) It is shall be unlawful to leave pots in ~~any coastal fishing waters~~ Coastal Fishing Waters for more than five
10 consecutive ~~days, when~~ days if such pots are not being employed in commercial fishing operations, except upon a
11 timely and sufficient showing of hardship as ~~defined set forth in Subparagraph (b)(2) Paragraph (c)~~ of this Rule or as
12 otherwise provided by General Statute. The Fisheries Director may, by proclamation, modify the five-day requirement
13 if necessary due to hurricanes, tropical storms, other severe weather events recognized by the National Weather
14 Service, or other variable conditions pursuant to 15A NCAC 03H .0103. (1) —Agents of the Fisheries Director
15 may tag pots with a device approved by the Fisheries Director to aid and assist in the investigation and identification
16 of unattended pots. Any such device attached to a pot by agents of the Fisheries Director ~~must shall~~ be removed by
17 the individual ~~utilizing~~ using the pot within five days of attachment in order to demonstrate that the pot is being
18 employed in commercial fishing operations.

19 ~~(d) (2) —~~For the ~~purposes of Paragraph (b) of this Rule only, purpose of this Rule,~~ a timely and sufficient showing of
20 hardship in a commercial fishing operation shall be ~~written notice given a~~ statement in writing from the owner of the
21 pot or the owner's immediate family, as defined in G.S. 113-168, submitted to the Fisheries Director that a mechanical
22 breakdown of the pot owner's vessel(s) vessel currently registered with the Division of Marine Fisheries under
23 pursuant to G.S. 113-168.6, or the death, illness-illness, or incapacity of the owner of the pot or his-the owner's
24 immediate family, as defined in G.S. 113-168, family prevented or will prevent employing such pots in commercial
25 fishing operations for more than five consecutive days. The notice, specifying the time needed because of hardship,
26 shall be received by the Fisheries Director before any pot is left in coastal fishing waters for five consecutive days
27 without being employed in fishing operations, and shall state, in addition to the following, Statements and supporting
28 documentation shall be mailed to the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead
29 City, NC 28557. Mailing a statement does not automatically exempt a fisherman from the requirements of this Rule.
30 The statement shall specify the number and specific location of the pots, and the date on by which the pots will be
31 employed in commercial fishing operations or removed from coastal fishing waters: Coastal Fishing Waters, and:

32 ~~(A)(1)~~ (1) in the case of a mechanical breakdown, the ~~notice shall state the commercial fishing vessel~~
33 registration-Commercial Fishing Vessel Registration number, owner's N.C. motor boat registration
34 number of the disabled vessel, date disabled, and description of the arrangements being made to
35 repair the vessel or a copy of the work order showing the name, ~~address-address,~~ and phone number
36 of the repair facility; or

1 ~~(B)(2)~~ in the case of the death, ~~illness-illness,~~ or incapacity of the owner of the pot or ~~his-the owner's~~
2 immediate family, ~~the notice shall state the name of the owner or immediate family member,~~
3 ~~member and either the date of death, the date and nature death or the date of the illness or incapacity.~~
4 The Fisheries Director may require a doctor's verification ~~of that the illness or incapacity-incapacity~~
5 occurred.

6 ~~(c) (3) The Fisheries Director may, by proclamation, modify the five day requirement, if necessary due to hurricanes,~~
7 ~~severe weather or other variable conditions. Failure~~ It shall be unlawful to fail to employ in commercial fishing
8 ~~operations or remove from coastal fishing waters~~ Coastal Fishing Waters all pots for which ~~notice of a hardship request~~
9 ~~is received-granted~~ under this Rule within 14 days of the expiration of the hardship shall be violation of this
10 ~~Rule-hardship.~~

11 ~~(e) It is unlawful to set or have any fishing equipment in coastal fishing waters in violation of this Section or which~~
12 ~~contains edible species of fish unfit for human consumption.~~

13
14 *History Note: Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;*
15 *Eff. January 1, 1991;*
16 *Amended Eff. March 1, 1996;*
17 *Recodified from 15A NCAC 03I .0005 Eff. December 17, 1996;*
18 *Amended Eff. April 1, 1997;*
19 *Temporary Amendment Eff. July 1, 1999;*
20 *Amended Eff. September 1, 2005; August 1, 2000;*
21 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0109

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:

It is unclear to me why you've added the reference to G.S. 113-182 in the History Note, as that statute doesn't reference administrative hearings in any way. I would suggest adding references to both or either of G.S. 150B-22 and G.S. 113-131, or any other statute you are aware of that generally gives OAH jurisdiction over contested cases coming out of MFC.

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

1 15A NCAC 03I .0109 is readopted as published in 36:07 NCR 462 as follows:

2
3 **15A NCAC 03I .0109 ~~ARTIFICIAL REEFS AND RESEARCH SANCTUARIES~~**

4 (a) The Fisheries Director may, by proclamation, prohibit or restrict the taking of fish and the use of any equipment
5 in and around any ~~artificial reef or~~ research sanctuary. Any closure or restriction shall be for no more than one year,
6 subject to renewal at the discretion of the Fisheries Director. ~~is subject to the following conditions:~~

7 (1) ~~Artificial reefs shall not be closed or restricted beyond 500 yards in the Atlantic Ocean or 250 yards~~
8 ~~in internal coastal waters. Artificial reefs shall be marked as near center as feasible by one readily~~
9 ~~identifiable official buoy and distances for closures or restrictions shall be measured from such buoy.~~

10 (2) ~~Any closure or restriction shall be for no more than one year, subject to renewal in the discretion of~~
11 ~~the Fisheries Director.~~

12 (3) ~~The economic effect of the closure or restriction on fishing interests with respect to the size and~~
13 ~~location of the area and the nature of the equipment affected shall be considered before such closure~~
14 ~~is made and findings shall be made in writing which findings shall be available for public inspection~~
15 ~~at the office of Division of Marine Fisheries in Morehead City.~~

16 (b) It ~~is~~ shall be unlawful to engage in any fishing activity, use any equipment, or conduct any other operation ~~which~~
17 that has been prohibited by proclamation issued under this authority.

18
19 *History Note: Authority G.S. 113-134; 113-181; 113-182; 113-221.1; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Recodified from 15A NCAC 3I .0009 Eff. December 17, 1996;*
22 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03I .0113 is readopted as published in 36:07 NCR 462 as follows:

2
3 **15A NCAC 03I .0113 BIOLOGICAL SAMPLING**

4 It ~~is~~ shall be unlawful for any licensee under Chapter 113, Subchapter IV, of the General Statutes to refuse to allow
5 the Fisheries Director or ~~his~~ the Fisheries Director's agents to obtain biological data, harvest information, or other
6 statistical data necessary or useful to the conservation and management of marine and estuarine resources from fish
7 in the licensee's possession. Such data shall include, but is not limited to, species identification, length, weight, age,
8 sex, number, area of catch, harvest method, and quantity of catch.

9
10 *History Note: Authority G.S. 113-134; 113-170.3; ~~113-170.4~~; 113-174.1; 113-182; 143B-289.52;*
11 *Eff. October 1, 1992;*
12 *Recodified from 15A NCAC 3I .0013 Eff. December 17, 1996;*
13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03I .0114

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 (a)(1), line 5, define or delete "accurately" and "legibly."

In (a)(1), line 5, what are the mandatory items on the NC trip ticket? Are these defined elsewhere?

In (a)(5), line 18, does your regulated public know what software or web-based utilities are authorized by the Division?

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

1 15A NCAC 03I .0114 is readopted as published in 36:07 NCR 462-463 as follows:

2
3 **15A NCAC 03I .0114 RECORDKEEPING REQUIREMENTS**

4 (a) It ~~is shall be~~ unlawful for a licensed fish dealer:

- 5 (1) ~~To to~~ fail to complete accurately and legibly all mandatory items on the North Carolina trip ticket
6 for each transaction and submit the trip ticket in accordance with G.S. 113-168.2;
- 7 (2) ~~To to~~ fail to provide to the Division of Marine Fisheries a Trip Ticket Submittal/Transaction form
8 indicating the number of transactions that occurred during the previous month;
- 9 (3) ~~To to~~ fail to make paper copies or electronic copies of trip tickets available at the dealer location for
10 inspection by Marine ~~Patrol~~ Fisheries inspectors;
- 11 (4) ~~To to~~ fail to submit trip tickets to the Division via electronic file transfer if that dealer reported an
12 annual average of greater than 50,000 pounds of finfish for the previous three calendar years.
13 Dealers subject to the electronic reporting requirement shall be notified by the Division via certified
14 mail and within 120 days of receipt shall:
- 15 (A) ~~Initiate~~ initiate electronic file transfer of trip tickets; and
16 (B) ~~Continue~~ continue to report by electronic file transfer until the dealer no longer holds a fish
17 dealer license with finfish or consolidated categories;
- 18 (5) ~~To to~~ fail to use software or web-based utilities authorized by the Division when reporting
19 electronically. Electronic submittals shall meet all other recordkeeping requirements in accordance
20 with G.S. 113-168.2; and
- 21 (6) ~~To to~~ fail to keep all trip tickets and all supporting documentation for each transaction including
22 receipts, checks, bills of lading, records, electronic ~~files~~ files, and accounts for a period of not less
23 than three years.

24 (b) It ~~is shall be~~ unlawful for a seller licensed under G.S. 113, Article 14A or donor to fail to provide to the fish dealer,
25 at the time of transaction, the following:

- 26 (1) ~~A a~~ current and valid license or permit to sell the type of fish being offered and if a vessel is used,
27 the ~~commercial fishing vessel registration~~; Commercial Fishing Vessel Registration; and
- 28 (2) ~~Complete~~ complete and accurate information on harvest method and area of catch and other
29 information required by the Division, in accordance with G.S. 113-168.2 and G.S. 113-169.3.

30 (c) It ~~is shall be~~ unlawful to transport fish without having ready at hand for inspection a bill of consignment, bill of
31 lading, or other shipping documentation provided by the shipping dealer showing ~~thereon the name of the consignee,~~
32 name of the shipper, the date of the shipment, and the quantity of each species of fish shipped. the following items:

- 33 (1) name of the consignee;
34 (2) name of the shipper;
35 (3) date of the shipment;
36 (4) name of fish being shipped; and
37 (5) quantity of each fish being shipped.

1 In the event the fisherman taking the fish is also a licensed fish dealer and ships from the point of landing, all shipping
2 records shall be recorded at the point of landing. Fishermen who transport their fish directly to licensed fish dealers
3 are exempt from this ~~Paragraph of this Rule-Paragraph.~~

4 (d) It ~~is-shall be~~ unlawful to export fish landed in the State in a commercial fishing operation without a North Carolina
5 licensed fish dealer completing all the ~~record keeping-recordkeeping~~ requirements in G.S. 113-168.2(i).

6 (e) It ~~is-shall be~~ unlawful to offer for sale fish purchased from a licensed fish dealer without having ready at hand for
7 inspection by Marine ~~Patrol-Fisheries~~ inspectors or other ~~agent-agents~~ of the Fisheries Director written documentation
8 of purchase showing ~~thereon the name of the licensed dealer, name of the purchaser, date of the purchase, and the~~
9 ~~quantity of each species purchased.~~ the following items:

10 (1) name of the licensed fish dealer;

11 (2) name of the purchaser;

12 (3) date of the purchase;

13 (4) name of fish purchased; and

14 (5) quantity of each fish purchased.

15 (f) It ~~is-shall be~~ unlawful for a holder of a Fish ~~Dealer's-Dealer~~ License to have fish in possession at a licensed location
16 without written documentation from a licensed fish dealer or a completed North Carolina ~~Marine Fisheries Trip Ticket~~
17 trip ticket to show the quantity and origin of all fish.

18
19 *History Note: Authority G.S. 113-134; 113-168.2; 113-168.3; 113-169.3; 113-170; 113-170.3; 113-170.4; 113-*
20 *182; 143B-289.52;*
21 *Eff. March 1, 1994;*
22 *Recodified from 15A NCAC 3I .0014 Eff. December 17, 1996;*
23 *Temporary Amendment Eff. July 1, 1999;*
24 *Amended Eff. June 1, 2013; August 1, 2000;*
25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03I .0118 is readopted as published in 36:07 NCR 463 as follows:

2
3 **15A NCAC 03I .0118 DISPOSAL OF EVIDENCE**

4 It ~~is shall be~~ unlawful for any person to dispose of ~~fish or fish, parts thereof, of fish, fishing equipment or gear, or~~
5 other matter ~~in any manner, preparatory to, during, or subsequent to the taking of fish~~ after any communication or
6 signal from an inspector, or after the approach of an inspector or an enforcement vessel.

7
8 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

9 *Eff. March 1, 1996;*

10 *Recodified from 15A NCAC 3I .0018 Eff. December 17, 1996;*

11 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .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 (2), line 11, where is your statutory authority to regulate any “natural or manmade waterway[s]” and “river[s]” outside of the marine and estuarine environment?

In the History Note, do you need a reference to G.S. 113-181?

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

1 15A NCAC 03J .0101 is readopted as published in 36:07 NCR 463 as follows:

2
3 **SUBCHAPTER ~~3J~~ 03J - NETS, POTS, DREDGES, AND OTHER FISHING DEVICES**

4
5 **SECTION .0100 - NET RULES, GENERAL**

6
7 **15A NCAC 03J .0101 FIXED OR STATIONARY NETS**

8 It ~~is~~ shall be unlawful to use or set fixed or stationary ~~nets~~ nets for any of the following:

- 9 (1) ~~In in~~ the channel of the Intracoastal Waterway ~~or in any other location where it may constitute a~~
10 ~~hazard to navigation;~~ Waterway;
11 (2) ~~So as~~ to block more than two-thirds of ~~any a~~ natural or manmade waterway, sound, river, bay, creek,
12 ~~inlet inlet,~~ or any other body of water;
13 (3) ~~In in~~ the middle third of ~~any marked a~~ navigation ~~channel;~~ channel marked by State or federal
14 agencies; or
15 (4) ~~In the channel third of the following rivers: Roanoke, Cashie, Middle, Eastmost, Chowan, Little,~~
16 ~~Perquimans, Pasquotank, North, Alligator, Pungo, Pamlico, and Yeopim.~~
17 (4) in a location where it may interfere with navigation.

18
19 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .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 changes be made:

In (b)(1)(A), line 9, and in (e), p.2, line 24, are there any relevant requirements laid out in SL 2012-190 that were not codified in G.S. 113-187? If not, I think the reference should be changed to cite to the G.S.

In (e), line 24, the Rule refers to Subparagraph (b)(6) of this Rule. The last subparagraph in (b) is (5). Please correct.

In (f), what is a "fish spill"?

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

1 15A NCAC 03J .0105 is readopted as published in 36:07 NCR 463-464 as follows:

2
3 **15A NCAC 03J .0105 PURSE SEINES**

4 (a) It ~~is~~ shall be unlawful to use purse seines except for the taking of menhaden, Atlantic thread herring, gizzard ~~shad~~
5 ~~shad, or pinfish, as further restricted by Paragraphs (b) and (c) of this Rule.~~ pinfish.

6 (b) It ~~is~~ shall be unlawful to ~~take menhaden, Atlantic thread herring, gizzard shad or pinfish with~~ use a purse seine in
7 ~~violation of any of the following limitations:~~ accordance with the following:

8 (1) ~~In in~~ the Atlantic Ocean ~~during the periods and within an area as~~ described:

9 (A) by Session Law 2012-190; and

10 ~~(A)(B) In in~~ 15A NCAC 03R 0111, .0111.

11 ~~(B) By Session Law 2007-320.~~

12 (2) ~~Except except~~ as provided in ~~Subparagraph (5) of this Paragraph, Paragraph (c) of this Rule,~~ between
13 January 16 and May 14 in:

14 (A) ~~Internal waters,~~ internal waters; and

15 (B) the Atlantic Ocean within one mile of shore.

16 (3) ~~Between between~~ January 16 and March 31 in Core Sound.

17 ~~(4) In internal waters except in:~~

18 (A) ~~— Pamlico Sound,~~

19 (B) ~~— Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at~~
20 ~~the mouth of Goose Creek,~~

21 (C) ~~— Neuse River east of a line from Wilkinson Point to Cherry Point,~~

22 (D) ~~— Adams Creek,~~

23 (E) ~~— Core Sound and its tributaries,~~

24 (F) ~~— Back Sound, the Straits, and North river,~~

25 (G) ~~— Newport River,~~

26 (H) ~~— North River, and~~

27 (I) ~~— Bogue Sound.~~

28 ~~(4) from beyond one mile of shore in the Atlantic Ocean and transported to port between sunset on any~~
29 ~~Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through~~
30 ~~sunset on Labor Day.~~

31 ~~(5) from beyond one mile of shore in the Atlantic Ocean and transported to port between the hours of~~
32 ~~sunrise and sunset on the following holidays:~~

33 (A) Memorial Day;

34 (B) Fourth of July, when the Fourth of July falls on any calendar day Friday through Monday;

35 and

36 (C) Labor Day.

~~(5)(c)~~ The Fisheries Director may, by proclamation, open the Atlantic Ocean within one mile of shore and the internal waters specified in ~~Subparagraph (4) of this Paragraph~~ (d) of this Rule between April 1 and May 14, and may impose any ~~or all~~ of the following restrictions:

(1) specify time;

(2) specify area;

~~(A)(3) Specify specify means and methods by area which may be employed in the taking; methods;~~

(4) specify record keeping requirements;

(5) specify season; and

~~(B)(6) Limit the quantity; and specify quantity.~~

~~(C) Require submission of statistical and biological data.~~

(d) The internal waters specified in Paragraph (c) of this Rule are as follows:

(1) Pamlico Sound;

(2) Pamlico River east of a line from Wades Point to Intracoastal Waterway Marker No. 1 at the mouth of Goose Creek;

(3) Neuse River east of a line from Wilkinson Point to Cherry Point;

(4) Adams Creek;

(5) Core Sound and its tributaries;

(6) Back Sound, the Straits, and North River;

(7) Newport River;

(8) North River; and

(9) Bogue Sound.

~~(e)(c)~~ Menhaden, Atlantic thread herring, gizzard ~~shad~~ shad, or pinfish may be taken at any time with a purse seine from beyond one mile of shore in the Atlantic Ocean and transported to port except as specified by Session Law 2007-320 2012-190 and Subparagraphs (b)(5) and (b)(6) of this Rule ~~and except as prohibited below:~~

(1) ~~It is unlawful to take menhaden, Atlantic thread herring, gizzard shad shad, or pinfish by use of a purse seine between sunset on any Friday and sunrise of the following Monday from the Friday of the Memorial Day weekend through sunset on Labor Day each year.~~

(2) ~~It is unlawful to take menhaden, Atlantic thread herring, gizzard shad shad, or pinfish by use of a purse seine between the hours of sunrise and sunset on the following holidays:~~

~~(A) — Memorial Day;~~

~~(B) — Fourth of July, when the Fourth of July falls on any calendar day Friday through Monday;~~
~~and~~

~~(C) — Labor Day.~~

~~(d)(f)~~ It is shall be unlawful for the responsible party to fail to carry out the following requirements when a fish spill from a purse seine occurs:

- 1 (1) ~~Immediately within two hours of the spill, notify the office of the Fisheries Director of the North~~
2 ~~Carolina~~ Division of Marine Fisheries Communications Center of such spill; the spill by phone at
3 800-682-2632 or 252-726-7021; and
- 4 (2) ~~Report report~~ to the Fisheries Director of the North Carolina Division of Marine Fisheries in writing
5 within 30 days of the completion of spill clean-up on the circumstances associated with each spill
6 and costs of its clean-up.

7

8 *History Note:* *Authority G.S. 113-134; 113-182; 113-187; 113-221.1; 143B-289.52;*
9 *Eff. January 1, 1991;*
10 *Amended Eff. October 1, 2008;*
11 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0109 is readopted as published in 36:07 NCR 464-465 as follows:

2
3 **15A NCAC 03J .0109 ~~LONG HAUL FISHING OPERATIONS, IDENTIFICATION~~ LONG HAUL AND**
4 **SWIPE NET REQUIREMENTS**

5 It ~~is shall be~~ unlawful to ~~tow or pull~~ use a net in a ~~long haul~~ long haul or swipe net fishing ~~excluding operations with~~
6 ~~nets made entirely of monofilament and having a mesh length of three inches or greater~~ operation:

- 7 (1) ~~Without~~ without a floating buoy that shall be international orange, no less than five inches in
8 diameter, and no less than 11 inches in length attached a minimum of every 100 yards along the
9 cork line. ~~The buoy shall be international orange and shall be no less than five inches in diameter~~
10 ~~and no less than 11 inches in length; and~~ line;
- 11 (2) ~~Without~~ without a flag, flag that shall be square in shape, international orange in color, and at least
12 24 inches by 24 inches in size, size flying in the rigging so as to be visible when approaching the
13 vessel from any ~~direction~~ direction; and
- 14 (3) ~~In in the internal coastal waters~~ Internal Coastal Waters south and west of a line beginning on the
15 west shore of Pamlico Sound at Bluff Point at a point 35° 19.5333' N – 76° 09.3333' W; running
16 southeasterly to Ocracoke Island to a point 35° 08.0000' N – 75° 55.0000' ~~W, W~~; without escape
17 panels as follows:
- 18 (a) ~~For for~~ long haul operations, two panels four feet deep and six feet long ~~shall be~~ installed
19 with the entire panel within 10 feet of the staff on the end of the bunt net from which the
20 fish are being ~~bailed~~. ~~The bailed, with panels shall be~~ in the water while fish are
21 ~~harvested~~ harvested;
- 22 (b) ~~For for~~ swipe net operations, two panels three feet deep and five feet long ~~shall be~~ installed
23 with the entire panel within 10 feet of the staff on the end of the bunt net from which the
24 fish are being ~~bailed~~. ~~The bailed, with panels shall be~~ in the water while fish are
25 ~~harvested~~ harvested;
- 26 (c) ~~The the~~ upper edge of one panel ~~shall be~~ installed within 12 to 24 inches of the float line
27 and the lower edge of the other panel ~~shall be~~ installed within 12 to 24 inches of the lead
28 ~~line~~ line; and
- 29 (d) ~~The panels shall be~~ constructed of unobstructed trawl rings with ~~an a~~ minimum inside
30 diameter ~~no less than of one and nine-sixteenth inches (1 9/16")~~. ~~The inches, with the rings~~
31 ~~shall be~~ fastened together at a maximum of four points per ring.

32
33 *History Note: Authority G.S. 113-134; 113-182; ~~143B-289.4~~; 143B-289.52;*
34 *Eff. January 1991;*
35 *Amended Eff. August 1, 2004; April 1, 1999;*
36 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0110

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:

On line 4, for clarity, would it change the meaning to say "...use seines 30 feet or longer for recreational purposes..."

On lines 7-8, when you say the "gear owner's last name and initials shall be identified on the attached buoy using an engraved buoy..." do you mean that the attached buoy shall be engraved? It sounds like you're requiring a buoy attached to another buoy as currently drafted.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03J .0110 is readopted as published in 36:07 NCR 465 as follows:

2
3 **15A NCAC 03J .0110 SEINES**

4 It ~~is shall be~~ unlawful to use seines 30 feet or over in length for recreational purposes unless the net is marked by
5 attaching to the corkline ~~one~~ a floating buoy, any shade of hot pink in ~~color, which color.~~ Buoys shall be of solid foam
6 or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The ~~owner~~
7 gear owner's last name and initials shall ~~always~~ be identified on the attached buoy using an engraved ~~buoys buoy~~ or
8 by attaching engraved metal or plastic tags to the buoy. ~~Such~~ If a vessel is used, the identification shall also include
9 ~~owner's last name and initials and if a vessel is used,~~ one of the following:

- 10 (1) ~~Gear~~ gear owner's current motor boat registration number; or
11 (2) ~~Owner's~~ owner's U.S. vessel documentation name.

12
13 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*
14 *Temporary Adoption Eff. July 1, 1999;*
15 *Eff. August 1, 2000;*
16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0301

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 (a)(2), lines 18-19, just to be clear, the two rules referenced—15A NCAC 03R .0118 and 15A 03R .0107—both define a series of fairly detailed geographical areas with ramifications for the timing of seasons and use of gear. I wanted to make sure there were no conflicts between these areas?

In (c), p. 2, line 2, when you say the “gear owner’s last name and initials shall be identified on the attached buoy using an engraved buoy...” do you mean that the attached buoy shall be engraved? It sounds like you’re requiring a buoy attached to another buoy as currently drafted.

In (h) generally, what variable conditions are at play that allow the Fisheries Director to impose further restrictions?

In (h)(4), line 37, what “requirements” are at play here? Is this a waiver of the rest of this Rule, or of the Rules otherwise governing licensure, as defined by G.S. 150B-19(6)? If so, what specific guidelines will the Director consider in making this waiver?

In your History Note, do you need a reference to G.S. 113-168 or any of the statutes following it that pertain to commercial licenses, given the provisions of (h)?

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

1 15A NCAC 03J .0301 is readopted as published in 36:07 NCR 465-466 as follows:

2
3 **SECTION .0300 - POTS, DREDGES, AND OTHER FISHING DEVICES**
4

5 **15A NCAC 03J .0301 POTS**

6 (a) It ~~is~~ shall be unlawful to use pots except during time periods and in areas specified herein:

7 (1) ~~In Coastal Fishing in Internal Waters from December 1 through May 31, except that that:~~

8 (A) in the Northern Region designated in 15A NCAC 03R .0118(1) all pots shall be removed
9 from Internal Waters from January 15-1 through February 7-January 31. Fish pots upstream
10 of the U.S. 17 Bridge across Chowan River and upstream of a line across the mouth of
11 Roanoke, Cashie, Middle, and Eastmost Rivers to the Highway 258 Bridge are exempt
12 from the January 15 through February 7 this removal requirement. The Fisheries Director
13 may, by proclamation, reopen various waters to the use of pots after January 19 if it is
14 determined that such waters are free of pots.

15 (B) in the Southern Region designated in 15A NCAC 03R .0118(2) all pots shall be removed
16 from Internal Waters from March 1 through March 15.

17 (2) ~~From in Internal Waters from June 1 through November 30, north and east of the Highway 58 Bridge~~
18 ~~at Emerald Isle: 30 in the Northern Region designated in 15A NCAC 03R .0118(1):~~

19 (A) ~~In in areas described in 15A NCAC 03R .0107(a); .0107(a).~~

20 (B) ~~To to~~ allow for the variable spatial distribution of crustacea and finfish, the Fisheries
21 Director may, by proclamation, specify time periods for or and designate the areas
22 described in 15A NCAC 03R .0107(b); .0107(b) or any part thereof, for the use of pots.

23 (3) ~~From in Internal Waters from May 1 through November 30 in the Atlantic Ocean and west and south~~
24 ~~of the Highway 58 Bridge at Emerald Isle in areas and during time periods designated by the~~
25 ~~Fisheries Director by proclamation. Southern Region designated in 15A NCAC 03R .0118(2), the~~
26 Fisheries Director may, by proclamation, specify time periods and areas for the use of pots.

27 (4) in the Atlantic Ocean from May 1 through November 30 the Fisheries Director may, by
28 proclamation, specify time periods and areas for the use of pots.

29 ~~The Fisheries Director may, by proclamation authority established in 15A NCAC 03L .0201, further restrict the use~~
30 ~~of pots to take blue crabs.~~

31 (b) It ~~is~~ shall be unlawful to use pots:

32 (1) in any navigation channel marked by State or Federal agencies; or

33 (2) in any turning basin maintained and marked by the North Carolina Ferry Division.

34 (c) It ~~is~~ shall be unlawful to use pots in a commercial fishing ~~operation, operation~~ unless each pot is marked by
35 attaching a floating buoy of any color except any shade of yellow or any shade of hot pink, or any combination of
36 colors that include any shade of yellow or any shade of hot pink. that Buoys shall be of solid foam or other solid
37 buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any

~~color except yellow or hot pink or any combination of colors that include yellow or hot pink. The owner-gear owner's~~
last name and initials shall ~~always~~ be identified on the attached buoy by using an engraved buoy or by attaching
engraved metal or plastic tags ~~attached~~ to the buoy. ~~The~~ If a vessel is used, the identification shall also include one of
the following:

- (1) gear owner's current ~~motorboat~~ motor boat registration number; or
- (2) gear owner's U.S. vessel documentation ~~name; or~~ name.
- ~~(3) gear owner's last name and initials.~~

(d) Pots attached to shore or a pier shall be exempt from Subparagraphs (a)(2) and (a)(3) of this Rule.

(e) ~~It is~~ shall be unlawful to use shrimp pots with mesh lengths smaller than one and one-fourth inches stretch or five-eighths-inch bar.

(f) ~~It is~~ shall be unlawful to use pots to take eels with mesh lengths smaller than one-half inch by one-half inch, ~~except~~
until January 1, 2017 eel pots of any mesh length with an escape panel that is at least four inches square with a mesh
length of one inch by one half inch located in the outside panel of the upper chamber of rectangular pots and in the
rear portion of cylindrical pots shall be allowed. inch.

(g) ~~It is~~ Except for unbaited pots or pots baited with a male crab, it shall be unlawful to use crab pots in Coastal
Fishing Waters unless each pot contains no less than ~~two~~ three unobstructed escape rings that are at least two and ~~five~~
~~sixteenths~~ five-sixteenth inches inside diameter ~~and; and located in the opposite outside panels of the upper chamber~~
~~of the pot, except the following are exempt from the escape ring requirements:~~

- ~~(1) — unbaited pots;~~
- ~~(2) — pots baited with a male crab; and~~
- ~~(3) — pots set in areas and during time periods described in 15A NCAC 03R .0118.~~

(1) for pots with a divider:

- (A) two escape rings shall be located on opposite panels of the upper chamber of the pot; and
- (B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the divider in the upper chamber of the pot.

(2) for pots without a divider:

- (A) two escape rings shall be located on opposite panels of the pot; and
- (B) at least one escape ring shall be located within one full mesh of the corner and one full mesh of the bottom of the pot.

For the purpose of this Rule, a "divider" shall mean a panel that separates the crab pot into upper and lower sections.

(h) The Fisheries Director may, by proclamation, ~~exempt the escape ring requirements described in Paragraph (g) of~~
~~this Rule in order to allow the harvest of mature female crabs and may impose any or all of the following~~
~~restrictions:~~ restrictions for pots:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify requirements for a commercial fishing operation or for recreational purposes;

1 (5) specify record keeping and reporting requirements;

2 ~~(4)~~(6) specify ~~seasons; and~~ season, including a closed season for removal of all pots from Internal Waters;

3 (7) specify species; and

4 ~~(5)~~(8) specify quantity.

5 (i) It ~~is~~ shall be unlawful to use more than 150 crab pots per vessel in Newport River.

6 (j) It ~~is~~ shall be unlawful to remove crab pots from the water or remove crabs from crab pots between one hour after
7 sunset and one hour before sunrise.

8 (k) It ~~is~~ shall be unlawful to use pots to take crabs unless the line connecting the pot to the buoy is non-floating.

9 (l) It ~~is~~ shall be unlawful to use pots with leads or leaders to take shrimp. For the purpose of this Rule, "leads" or
10 "leaders" ~~are defined as~~ shall mean any fixed or stationary net or device used to direct fish into any gear used to capture
11 fish. Any device with leads or leaders used to capture fish shall not be a pot.

12
13 *History Note: Authority G.S. 113-134; 113-173; 113-182; 113-221.1; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Amended Eff. August 1, 1998; May 1, 1997; March 1, 1996; March 1, 1994; October 1, 1992;*
16 *September 1, 1991;*

17 *Temporary Amendment Eff. July 1, 1999;*

18 *Amended Eff. August 1, 2000;*

19 *Temporary Amendment Eff. September 1, 2000;*

20 *Amended Eff. May 1, 2015; April 1, 2014; September 1, 2005; August 1, 2004; August 1, 2002;*

21 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0302 is readopted as published in 36:07 NCR 466 as follows:

2
3 **15A NCAC 03J .0302 RECREATIONAL USE OF POTS**

4 (a) It ~~is shall be~~ unlawful for a Recreational Commercial Gear License holder to use pots authorized by 15A NCAC
5 03O .0302 unless each pot is marked by attaching ~~one a~~ floating buoy, any shade of hot pink in ~~color, which color.~~
6 Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five
7 inches in length. The ~~owner gear owner's last name and initials~~ shall ~~always~~ be identified on the attached buoy using
8 an engraved buoys buoy or by attaching engraved metal or plastic tags to the buoy. ~~Such~~ If a vessel is used, the
9 identification shall also include ~~the owner's last name and initials and if a vessel is used,~~ one of the following:

10 (1) ~~Gear gear~~ owner's current motor boat registration ~~number, number;~~ or

11 (2) ~~Owner's owner's~~ U.S. vessel documentation name.

12 (b) It ~~is shall be~~ unlawful for a person to use more than one crab pot attached to the shore along privately owned land
13 or to a privately owned pier without possessing a valid Recreational Commercial Gear License.

14
15 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

16 *Eff. January 1, 1991;*

17 *Temporary Amendment Eff. July 1, 1999;*

18 *Amended Eff. April 1, 2011; August 1, 2000;*

19 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0305

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 (a), line 8, and (b), lines 17-18, when you say the “gear owner’s last name and initials shall be identified on the attached buoy using an engraved buoy...” do you mean that the attached buoy shall be engraved? It sounds like you’re requiring a buoy attached to another buoy as currently drafted.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03J .0305 is readopted as published in 36:07 NCR 466 as follows:

2
3 **15A NCAC 03J .0305 TROTTLINES (MULTIPLE HOOK OR MULTIPLE BAIT)**

4 ~~(a) It is shall be~~ unlawful to use multiple hook or multiple bait trotlines for recreational purposes unless ~~such trotlines~~
5 ~~are each~~ multiple hook or multiple bait trotline is marked by attaching to them at each end ~~one a~~ floating buoy, any
6 shade of hot pink in ~~color, which~~ color. Buoys shall be of solid foam or other solid buoyant material no less than five
7 inches in diameter and no less than five inches in length. The ~~owner gear~~ owner's last name and initials shall always
8 be identified on the attached buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the
9 buoy. ~~Such If a vessel is used, the~~ identification shall also include ~~owner's last name and initials and if a vessel is used,~~
10 one of the following:

11 (1) ~~Gear gear~~ owner's current motor boat registration ~~number, number;~~ or

12 (2) ~~Owner's gear~~ owner's U.S. vessel documentation name.

13 (b) It shall be unlawful to use multiple hook or multiple bait trotlines in a commercial fishing operation unless each
14 multiple hook or multiple bait trotline is marked by attaching to them at each end a floating buoy of any color except
15 any shade of yellow or any shade of hot pink, or any combination of colors that include any shade of yellow or any
16 shade of hot pink. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter
17 and no less than five inches in length. The gear owner's last name and initials shall be identified on the attached buoy
18 by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. If a vessel is used, the
19 identification shall also include one of the following:

20 (1) gear owner's current motor boat registration number; or

21 (2) gear owner's U.S. vessel documentation name.

22
23 *History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;*

24 *Temporary Adoption Eff. July 1, 1999;*

25 *Eff. August 1, 2000;*

26 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03J .0404 is adopted as published in 36:07 NCR 467 as follows:

2
3 **15A NCAC 03J .0404 OCEAN ARTIFICIAL REEF GEAR RESTRICTIONS**

4 (a) For the purpose of this Rule:

5 (1) "hand line" shall mean fishing gear that is set and pulled by hand and consists of one vertical line to
6 which may be attached leader lines with hooks.

7 (2) "hook and line" shall mean one or more hooks attached to one or more lines and shall include rod
8 and reel, a fishing rod designed to be hand-held with a manually or electrically operated reel
9 attached.

10 (3) "spearfishing gear" shall mean spears, Hawaiian slings, or similar devices that propel pointed
11 implements by mechanical means, including elastic tubing or bands, pressurized gas, or similar
12 means.

13 (b) It shall be unlawful to use fishing gear in Ocean Artificial Reefs designated in 15A NCAC 03R .0119 except hand
14 line, hook and line, and spearfishing gear, and except as further limited in accordance with Paragraph (d) of this Rule.

15 (c) It shall be unlawful to possess finfish taken with spearfishing gear in excess of a recreational limit within the
16 boundaries of a designated Ocean Artificial Reef.

17 (d) The Fisheries Director may, by proclamation, close the areas designated in 15A NCAC 03R .0119 to the use of
18 specific fishing gear, including the gears otherwise allowed in Paragraph (b) of this Rule, based on biological impacts
19 or user conflicts.

20 (e) The Fisheries Director may, by proclamation, designate and modify Ocean Artificial Reefs in Coastal Fishing
21 Waters of the Atlantic Ocean, based on biological impacts or variable spatial distribution, including shifted artificial
22 reef material.

23
24 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

25 *Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0501-.0505

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:

Do you need a reference to G.S. 113-181 in your History Note for each of these Rules, given its reference to your statutory authority to regulate nets?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0501

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 (d)(1), p.2, line 25, when you say the “gear owner’s last name and initials shall be identified on the attached buoy using an engraved buoy...” do you mean that the attached buoy shall be engraved? It sounds like you’re requiring a buoy attached to another buoy as currently drafted.

I do not understand what you’re requiring in (d)(2). Can you please clarify?

In (e), what are the variable conditions that would affect pound nets such that the Director could issue a proclamation under 113-221.1?

Also, please add G.S. 113-221.1 to your History Note.

Do you need a reference to G.S. 113-181 in your History Note, given it’s reference to your statutory authority to regulate nets?

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

1 15A NCAC 03J .0501 is readopted as published in 36:07 NCR 467-468 as follows:

2
3 **SECTION .0500 – POUND NETS**
4

5 **15A NCAC 03J .0501 DEFINITIONS AND STANDARDS FOR POUND NETS AND POUND NET SETS**

6 (a) ~~For the purpose of this Section the following terms are hereby defined:~~ The following definitions shall apply to
7 this Section:

8 (1) ~~Pound Net Set Permit. A Division authorization to set and fish a pound net set in a commercial~~
9 ~~fishing operation in a specified location in a specified fishery.~~

10 (2) ~~Permit period. One year from the date of issuance of a new or renewal pound net set permit.~~

11 (3)(1) ~~Deployed pound net. Setting "Deployed pound net" means setting of any part of a pound net, net~~
12 ~~except for a location identification stake or or, for a pound net used in the Atlantic Ocean-Ocean, a~~
13 ~~location identification buoy placed at each end of a proposed new location.~~

14 (2) "Flounder pound net" means a pound net set that produces a catch consisting of 50 percent or more
15 flounder by weight of the entire landed catch, excluding blue crabs or a pound net set with all pounds
16 (holding pen) constructed of four inch stretch mesh or greater.

17 (4)(3) ~~Operational pound net set. A "Operational pound net set" means a pound net set as defined in 15A~~
18 ~~NCAC 03I .0101 and deployed according to rules and permit conditions with net attached to stakes~~
19 ~~or anchors for the lead and pound, including only a single pound in a multi-pound set, and a non-~~
20 ~~restricted opening leading into the pound such that the set is able to catch and hold fish.~~

21 (4) "Permit period" means from the date of issuance of a new or renewal Pound Net Set Permit to the
22 expiration date.

23 (5) "Pound Net Set Permit" means a Division of Marine Fisheries authorization to set and fish a pound
24 net set in a commercial fishing operation in a specified location in a specified fishery.

25 (5) ~~Flounder pound net. A pound net set that produces a catch consisting of 50 percent or more flounder~~
26 ~~by weight of the entire landed catch, excluding blue crabs or a pound net set with all pounds (holding~~
27 ~~pen) constructed of four inch stretch mesh or greater.~~

28 (6) ~~Shrimp pound net. A "Shrimp pound net" means a pound net set with all pounds (holding pen)~~
29 ~~constructed of stretch mesh equal to or greater than one and one-fourth inches and less than or equal~~
30 ~~to two inches.~~

31 (b) ~~It is shall be~~ unlawful for a pound net used in a commercial fishing operation to:

32 (1) ~~Be be~~ deployed on a site without first obtaining a Pound Net Set Permit from the Fisheries Director.

33 (2) ~~Fail fail~~ to be operational for a minimum of 30 consecutive days during the ~~pound net set permit~~
34 ~~period unless Pound Net Set Permit period, except the Fisheries Director may, by proclamation,~~
35 ~~waive this requirement if~~ a season for the fishery for which the pound net set is permitted is ended
36 earlier due to a quota being ~~met met~~ or for compliance with the N.C. Southern Flounder Fishery
37 Management Plan.

(c) It ~~is shall be~~ unlawful for a pound net set in a commercial fishing operation in coastal fishing waters to fail to:

- (1) ~~Have have~~ the permittee's identification legibly printed on a sign no less than six inches square, securely attached to a stake at the permitted ends of each set at all times. For pound net sets in the Atlantic Ocean using anchors instead of stakes, the set shall be identified with a yellow ~~buoy, which~~ buoy that shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than 11 inches in length. The permittee's identification shall be legibly printed on the buoy. The identification on signs or buoys shall include the Pound Net Set Permit number and the permittee's last name and initials.
- (2) ~~Have have~~ yellow light reflective tape or yellow light reflective devices on each pound. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter on any outside corner of each pound, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.
- (3) ~~Have have~~ a marked navigational opening at least 25 feet wide at the end of every third pound. The opening shall be marked with yellow light reflective tape or yellow light reflective devices on each side of the opening. The yellow light reflective tape or yellow light reflective devices shall be affixed to a stake of at least three inches in diameter, shall cover a vertical distance of not less than 12 inches, and shall be visible from all directions.

If a permittee notified of a violation under this Paragraph fails or refuses to take corrective action sufficient to remedy the violation within 10 days of receiving notice of the violation, the Fisheries Director shall revoke the permit.

(d) It ~~is shall be~~ unlawful to use a Recreational Commercial Gear License (RCGL) shrimp pound net as defined in 15A NCAC 03O ~~.0302(a)(8)~~ .0302(a)(8) in coastal fishing waters unless the shrimp pound net is:

- (1) ~~Marked marked~~ by attaching to the offshore lead, ~~one a~~ floating buoy, any shade of hot pink in ~~color,~~ which is color. Buoys shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. The ~~owner-gear owner's last name and initials~~ shall be identified on the attached buoy by using an engraved buoy or by attaching engraved metal or plastic tags to the buoy. ~~The If a vessel is used, the identification shall also include owner's last name and initials and if a vessel is used,~~ one of the following:
 - (A) ~~Gear-gear~~ owner's current motor boat registration number; or
 - (B) ~~Owner's-gear owner's~~ U.S. vessel documentation name.
- (2) ~~Set set~~ a minimum of 100 yards from a RCGL shrimp pound net set or 300 yards from an operational permitted shrimp pound net set.

(e) Escape Panels:

- (1) The Fisheries Director may, by proclamation, require escape panels in pound net sets and may impose any ~~or all~~ of the following requirements ~~or restrictions~~ on the use of escape panels:
 - (A) ~~Specify specify~~ size, number, and ~~location location~~;
 - (B) ~~Specify specify~~ mesh length, but not more than six ~~inches inches~~;
 - (C) ~~Specify specify~~ time or ~~season season~~; and

1 (D) ~~Specify~~ specify areas.

- 2 (2) It ~~is~~ shall be unlawful to use flounder pound net sets without four unobstructed escape panels in
3 each pound. The escape panels shall be fastened to the bottom and corner ropes on each wall on the
4 side and back of the pound opposite the heart. The escape panels shall be a minimum mesh size of
5 five and one-half inches, hung on the diamond, and shall be at least six meshes high and eight
6 meshes long.

7 (f) ~~During 1 December through 1 February the~~ The Fisheries Director shall by proclamation establish time periods
8 between December 1 through February 1 and areas where it ~~is~~ shall be unlawful to fail to remove all nets from pound
9 net sets in commercial fishing operations in internal coastal waters.

10 (g) It ~~is~~ shall be unlawful within 30 days of abandonment of a permitted pound net set to fail to remove all stakes and
11 associated gear from coastal fishing waters. The responsible party for abandoned pound net gear may be charged the
12 costs incurred by the Division when the Division undertakes removal of the abandoned pound net gear.

13
14 *History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;*

15 *Eff. April 1, 2009;*

16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0502

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 (b)(1), line 9, add an oxford comma following "organization."

In (b)(2), line 13, what kind of convictions are at issue? In your 03O rules, you defined conviction; I think adding a similar definition here would be helpful.

In (c)(6), p. 2, lines 22-23, what are "management measures adopted in fishery management plans" in reference to?

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

1 15A NCAC 03J .0502 is readopted as published in 36:07 NCR 468-469 as follows:

2
3 **15A NCAC 03J .0502 POUND NET SET PERMIT APPLICATION AND PROCESSING**

4 (a) All initial, ~~renewal-renewal~~, or transfer applications for Pound Net Set Permits, and the operation of such pound
5 net sets, shall comply with the ~~rules-requirements~~ governing all permits as provided in 15A NCAC 03O .0502. The
6 procedures and requirements for obtaining permits are set forth in 15A NCAC 03O .0501.

7 (b) Applicants for Pound Net Set permits shall meet the following eligibility requirements as determined by the
8 Fisheries Director:

- 9 (1) ~~Applicant-the applicant~~ is an individual and not a corporation, partnership, organization or other
10 entity;
- 11 (2) ~~Applicant-the applicant~~ has in the past complied with fisheries rules and laws and does not have any
12 licenses or privileges under suspension or revocation. In addition, a history of habitual fisheries
13 violations evidenced by eight or more convictions in 10 years shall make an individual ineligible.
- 14 (3) ~~Applicant-the applicant~~ has in the past complied with all permit conditions, ~~rules-rules~~, and laws
15 related to pound nets.
- 16 (4) ~~Applicant-the applicant~~ holds proper valid ~~license(s) and permit(s)~~ licenses and permits necessary
17 to fish the type of net indicated in the application.

18 (c) Applications for Pound Net Set permits shall include the following:

- 19 (1) ~~A-a~~ base map provided by the Division of Marine Fisheries indicating the proposed set location
20 including an inset vicinity map showing the location of the proposed set with detail sufficient to
21 permit on-site identification and location.
- 22 (2) ~~Declaration-declaration~~ of the type of pound net that will be deployed at the site. One of the
23 following pound net fisheries shall be specified:
- 24 (A) ~~Flounder-flounder~~ pound net set;
- 25 (B) ~~Bait-bait~~ pound net set;
- 26 (C) ~~Shrimp-shrimp~~ pound net set;
- 27 (D) ~~Blue-blue~~ crab pound net set; or
- 28 (E) ~~Other-other~~ finfish pound net set.

29 (d) For proposed new ~~location(s)-locations~~, the Fisheries Director shall issue a public notice of intent to consider
30 issuance of a Pound Net Set Permit allowing for public comment for 20 days, and after the comment period, may hold
31 public meetings to take comments on the proposed pound net set. If the Director does not approve or deny the
32 application within 90 days of receipt of a complete and verified application, the application ~~is-shall be~~ deemed denied.
33 The applicant shall be notified of denial in writing. Approval ~~is-shall be~~ conditional based upon the applicant's
34 continuing compliance with eligibility requirements set out in Paragraph (e) of this Rule and specific conditions
35 contained on the Pound Net Set Permit. The applicant may contest final decision to approve or deny the denial of a
36 Pound Net Set Permit application ~~may be appealed by the applicant~~ by filing a petition for a contested case ~~hearing~~,

1 ~~in writing, within 60 days from the date of mailing notice of such final decision to the applicant, with the Office of~~
2 ~~Administrative Hearings under G.S. 150B-23.~~

3 (e) In order for a site to be deemed suitable for a pound net set, the proposed set location shall meet the following
4 criteria as determined by the Fisheries Director:

- 5 (1) ~~The the~~ proposed pound net set, either alone or when considered cumulatively with other existing
6 pound net sets in the area, will not interfere with ~~public~~ navigation or with existing, traditional uses
7 of the area other than navigation, and will not violate 15A NCAC 03J .0101 and .0102;
- 8 (2) ~~The the~~ proposed pound net set will not interfere with the rights of any riparian or littoral landowner,
9 including the construction or use of piers;
- 10 (3) ~~The the~~ proposed pound net set will not, by its proximate location, interfere with existing pound net
11 sets in the area. Flounder or other finfish pound net sets will be a minimum of 1,000 yards, as
12 measured in a perpendicular direction, from any point on a line following the permitted location of
13 existing pound net sets; except
- 14 (A) in Chowan River as referenced in 15A NCAC 03J .0203; and
- 15 (B) for renewal of pound net sets permitted prior to January 1, 2003;
- 16 (4) ~~The the~~ proposed shrimp or blue crab pound net set will be a minimum of 300 yards, as measured
17 in a perpendicular direction, from any point on a line following the permitted location of existing
18 pound net sets;
- 19 (5) ~~The the~~ proposed pound net set is not located in Core Sound in areas designated in 15A NCAC 03R
20 .0113 except that only those Pound Net Set ~~Permits-permits~~ valid within the specified area as of
21 March 1, 1994, may be renewed or transferred subject to the requirements of this Rule; and
- 22 (6) ~~Issuance-issuance~~ of the proposed Pound Net Set Permit is in compliance with management
23 measures adopted in fishery management plans.

24
25 *History Note:* *Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;*
26 *Eff. April 1, 2009;*
27 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03J .0503 is readopted as published in 36:07 NCR 469 as follows:

2
3 **15A NCAC 03J .0503 POUND NET SET PERMIT RENEWAL**

4 An application for renewal of an existing Pound Net Set Permit shall be filed not less than 30 days prior to the date of
5 expiration of the existing ~~permit, permit~~ and shall not be processed unless filed by the permittee. The Fisheries Director
6 shall review the renewal application under the criteria for issuance of a new Pound Net Set ~~Permit~~ Permit, as set forth
7 in the rules of this Section. The Fisheries Director may hold public meetings and may conduct such investigations
8 necessary to determine if the permit should be renewed.

9
10 *History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;*
11 *Eff. April 1, 2009;*
12 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03J .0504

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:

On line 8, please clarify what investigations may be necessary?

Does the procedure outlined in lines 4-9 apply to permits transferred to family following the death of the permittee? If not, please clarify what "approved and processed by the Division" on line 16 means.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03J .0504 is readopted as published in 36:07 NCR 469 as follows:

2
3 **15A NCAC 03J .0504 POUND NET SET PERMIT TRANSFER**

4 It ~~is~~ shall be unlawful to transfer a Pound Net Set Permit without a completed application for transfer being submitted
5 to the Division of Marine Fisheries not less than 45 days before the date of the transfer. The application shall be made
6 by the proposed new permittee in writing and shall be accompanied by a copy of the current permittee's permit and an
7 application for a Pound Net Set Permit in the new permittee's name. The Fisheries Director may hold a public meeting
8 and conduct such investigations necessary to determine if the permit should be transferred. The transferred permit
9 expires on the same date as the initial permit. Upon death of the permittee, the permit may be transferred to the
10 Administrator/Executor of the estate of the permittee if transferred within six months of the Administrator/Executor's
11 qualification in accordance with Chapter 28A of the North Carolina General Statutes. The Administrator/Executor
12 shall provide a copy of the deceased permittee's death certificate, a copy of letters of administration/letters
13 ~~testamentary~~ testamentary, and a list of eligible immediate family members as defined in G.S. 113-168 to the
14 Morehead City Office of the Division. Once transferred to the Administrator/Executor, the Administrator/Executor
15 may transfer the ~~permit(s)~~ permit or permits to eligible immediate family members of the deceased permittee. No
16 transfer is effective until approved and processed by the Division.

17
18 *History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;*
19 *Eff. April 1, 2009;*
20 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03J .0505 is readopted as published in 36:07 NCR 469-470 as follows:

2
3 **15A NCAC 03J .0505 POUND NET SET PERMIT CONDITIONS**

4 (a) It ~~is shall be~~ unlawful for a ~~permittee~~ permittee to:

5 (1) ~~To~~ fail to notify the Division of Marine Fisheries Marine Patrol Communications Center by phone
6 at 800-682-2632 or 252-726-7021 within 72 hours ~~by phone~~ of:

7 (A) ~~Of~~ an operational pound net set. Notification shall include the name of permittee, type of
8 net, Pound Net Set Permit number, county where located, a specific location site, and how
9 many pounds are in the set; and

10 (B) ~~Of~~ a change to the type of net being set at the permitted site.

11 (2) ~~To~~ make false notifications.

12 (3) ~~To~~ fail to render the pound net set inoperable during any closed season for the type of fishery for
13 which the pound net is permitted.

14 Failure to comply with this Paragraph ~~is shall be~~ grounds for the Fisheries Director to revoke any Pound Net Set
15 Permits held by the permittee and for denial of any future applications for Pound Net Set Permits.

16 (b) Pound net sets ~~are shall be~~ subject to inspection at all times.

17 (c) Daily reporting may be a condition of the permit for a pound net set for fisheries under a quota.

18 (d) It ~~is shall be~~ unlawful to fail to remove all pound net stakes and associated gear within 30 days after expiration of
19 the permit or notice by the Fisheries Director that an existing Pound Net Set Permit has been revoked or denied.

20
21 *History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;*

22 *Eff. April 1, 2009;*

23 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .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 (a), line 11, please delete "such".

In (b), lines 20-21, can you be more specific about what kind of "public health purposes not specified in Paragraph (a)" you're referring to?

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

1 15A NCAC 03K .0101 is readopted as published in 36:07 NCR 470 as follows:

2
3 **SUBCHAPTER 03K - OYSTERS, CLAMS, ~~SCALLOPS~~ SCALLOPS, AND MUSSELS**

4
5 **SECTION .0100 – SHELLFISH, GENERAL**

6
7 **15A NCAC 03K .0101 PROHIBITED ACTIVITIES IN POLLUTED SHELLFISH**
8 **AREAS/ACTIVITIES AREAS**

9 (a) It ~~is~~ shall be unlawful to possess, sell, or take oysters, ~~clams-clams,~~ or mussels from areas ~~which-that~~ have been
10 designated as ~~prohibited (polluted)-polluted~~ by proclamation by the Fisheries Director except as provided in ~~15A~~
11 ~~NCAC 03K-Rules .0103, .0104, .0107, and .0401-.0401 of this Subchapter.~~ The Fisheries Director shall issue such
12 shellfish polluted area proclamations ~~upon notice by the Division of Environmental Health that duly adopted if~~ criteria
13 for approved shellfish harvest areas in accordance with 15A NCAC 18A .0900 have not been met. The Fisheries
14 Director may reopen any such closed area ~~upon notification from the Division of Environmental Health that duly~~
15 ~~adopted by proclamation if~~ criteria for approved shellfish harvest areas in accordance with 15A NCAC 18A .0900
16 have been met. Copies of these proclamations and maps of these areas are available upon request at the Division of
17 Marine Fisheries, 3441 Arendell ~~St., Street, P.O. Box 769, Morehead City, NC 28557; 800-682-2632 or 252-(252)~~
18 726-7021.

19 (b) The Fisheries Director may, by proclamation, close areas to the taking of oysters, clams, ~~scallop~~ scallops, and
20 mussels ~~in order~~ to protect the shellfish populations for management purposes or for public health purposes not
21 specified in Paragraph (a) of this Rule.

22 (c) It ~~is~~ shall be unlawful to possess or sell oysters, clams, or mussels taken from polluted waters outside North
23 ~~Carolina.~~ Carolina, except as provided in 15A NCAC 03I .0104.

24
25 *History Note: Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*
26 *Eff. January 1, 1991;*
27 *Amended Eff. July 1, 1993;*
28 *Temporary Amendment Eff. July 1, 1999;*
29 *Amended Eff. August 1, 2000;*
30 *Temporary Amendment Eff. October 1, 2001;*
31 *Amended Eff. October 1, 2008; April 1, 2003;*
32 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0102 is readopted as published in 36:07 NCR 470 as follows:

2
3 **15A NCAC 03K .0102 RAKES PROHIBITED RAKES**

4 It ~~is~~ shall be unlawful to use a rake more than 12 inches wide or weighing more than six pounds to take:

5 (1) oysters or scallops; or

6 (2) clams in any live oyster bed, or in any established bed of submerged aquatic vegetation as ~~described~~
7 defined in 15A NCAC 03I ~~.0101, .0101~~ or ~~in any established bed of salt water cordgrass (Spartina~~
8 ~~alterniflora)-alterniflora~~ that may exist together or separately.

9
10 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Amended Eff. October 1, 2008; February 1, 2008;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0103 is readopted as published in 36:07 NCR 470-471 as follows:

2
3 **15A NCAC 03K .0103 SHELLFISH MANAGEMENT AREAS**

4 ~~(a) The Fisheries Director may, by proclamation, designate Shellfish Management Areas which meet either of the~~
5 ~~following criteria. The area has:~~

6 (1) ~~conditions of bottom type, salinity, currents, cover or cultch necessary for shellfish growth;~~

7 (2) ~~shellfish populations or shellfish enhancement projects that may:~~

8 (A) ~~produce commercial quantities of shellfish at 10 bushels or more per acre;~~

9 (B) ~~produce shellfish suitable for transplanting as seed or for relaying from prohibited~~
10 ~~(polluted) areas; or~~

11 (C) ~~serve as sanctuaries to increase spawning and disease resistance or to prevent predation.~~

12 (a) For the purpose of this Rule, "Shellfish Management Area" shall mean an area that has environmental conditions
13 suitable for shellfish growth and survival that is designated to establish a localized regulatory strategy to improve the
14 propagation of shellfish and has at least one of the following:

15 (1) planted cultch;

16 (2) existing shell; or

17 (3) existing live shellfish.

18 (b) The Fisheries Director may, by proclamation, designate and modify Shellfish Management Areas based on
19 biological impacts or variable spatial distribution, including shifted material.

20 ~~(b)(c) It is shall be unlawful to use a trawl net, long haul seine, or swipe net in any designated Shellfish or Seed~~
21 ~~Management area. Area. These areas shall be marked with signs or buoys. Unmarked and undesignated tributaries shall~~
22 ~~be the same designation as the designated waters to which they connect or into which they flow. No unauthorized~~
23 ~~removal or relocation of any such marker shall have the effect of changing the designation of any such body of water~~
24 ~~or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the~~
25 ~~applicability of any rule pertaining to any such body of water or portion thereof.~~

26 ~~(e)(d) It is shall be unlawful to take shellfish from any Shellfish Management Area which that has been closed and~~
27 ~~posted, in accordance with Paragraph (b) of this Rule, except that the Fisheries Director may, by proclamation, open~~
28 ~~specific areas to allow the taking of shellfish and may designate time, place, character, or dimensions of any method~~
29 ~~or equipment that may be employed. impose any of the following requirements based on biological impacts or user~~
30 conflicts:

31 (1) specify time;

32 (2) specify area;

33 (3) specify means and methods except as set forth in Paragraph (c) of this Rule;

34 (4) specify season;

35 (5) specify size;

36 (6) specify quantity; and

37 (7) specify marking requirements.

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History Note: Authority G.S. 113-134; 113-182; 113-204; ~~113-221~~; 113.221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. March 1, 1994;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. October 1, 2008; February 1, 2008; April 1, 2003;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03K .0104 is readopted as published in 36:07 NCR 471 as follows:

2
3 **15A NCAC 03K .0104 PERMITS FOR ~~PLANTING~~ RELAYING SHELLFISH FROM**
4 **PROHIBITED/POLLUTED/POLLUTED AREAS**

5 (a) ~~It is shall be~~ unlawful to take ~~oysters or clams shellfish~~ from ~~prohibited (polluted) polluted~~ public waters or
6 ~~franchises~~ for planting on ~~shellfish~~ leases and franchises except as authorized by G.S. 113-203. ~~Lease~~ Shellfish lease
7 and franchise holders shall first obtain a relay permit from the Fisheries Director setting forth the time, area, and
8 method by which such shellfish may be taken. The procedures and requirements for obtaining permits are found in
9 15A NCAC 03O .0500.

10 (b) The application for a relay permit shall be received by the Division of Marine Fisheries at least 15 days prior to
11 the start of relaying activities.

12 (c) All relaying activities, including removal, transport, and planting, shall be monitored and observed by the Division.

13 (b)(d) ~~The season for relaying clams shall be between April 1 and May 15 and the season for relaying oysters shellfish~~
14 ~~shall be for may occur within~~ a specified six week period between the date of the statewide closure of oyster season
15 and June 30, as determined by the Fisheries Director based on the following factors:

- 16 (1) the status of ~~oyster shellfish~~ resources available for harvest from public ~~bottom and bottom~~;
17 (2) surface water temperatures that are below 50° F (10° C), when shellfish relay shall not occur;
18 (3) market factors affecting sale of ~~oysters shellfish~~ from public ~~bottom which will assist in determining~~
19 ~~the statewide closure date bottom~~; and
20 (4) ~~manpower available~~ availability of Division of Marine Fisheries staff to monitor and observe the
21 shellfish relaying activity.

22 (e) ~~For areas designated by the Fisheries Director as sites where shellfish would otherwise be destroyed in~~
23 ~~maintenance dredging operations, the season as set out in Paragraph (b) of this Rule shall not apply.~~

24 (d)(c) ~~The Fisheries Director, acting upon recommendations of the Division of Environmental Health, shall close and~~
25 ~~reopen~~ by proclamation any ~~private shellfish beds lease or franchise~~ for which the owner has obtained a permit to
26 relay ~~oysters and clams shellfish~~ from ~~prohibited (polluted) polluted~~ public ~~waters, waters or franchises~~. The leases
27 and franchises shall remain closed until the Fisheries Director issues a proclamation to reopen the leases and franchises
28 to harvest. The reopening of the leases and franchises shall not occur any sooner than 21 days after the end of the relay
29 season described in Paragraph (d) of this Rule.

30
31 *History Note: Authority G.S. 113-134; 113-182; 113-203; ~~113-221~~; 113-221.1; 143B-289.52;*

32 *Eff. January 1, 1991;*

33 *Amended Eff. March 1, 1996; September 1, 1991;*

34 *Temporary Amendment Eff. October 1, 2001;*

35 *Amended Eff. April 1, 2003;*

36 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0105 is readopted as published in 36:07 NCR 471 as follows:

2
3 **15A NCAC 03K .0105 RECREATIONAL HARVEST OF SHELLFISH**

4 (a) It ~~is~~ shall be unlawful to take oysters or clams from public ~~bottoms~~ bottom on Sundays, and scallops from public
5 ~~bottoms~~ bottom on Saturdays and Sundays except:

6 (1) during open ~~seasons~~ seasons; and

7 (2) for recreational purposes.

8 (b) It ~~is~~ shall be unlawful to possess, for recreational purposes, more than:

9 (1) 10 conchs or whelks per person per day, not to exceed 20 conchs or whelks per vessel per ~~day~~,
10 ~~and day~~;

11 (2) 100 mussels per person per day, not to exceed 200 mussels per vessel per ~~day~~, day; and

12 (3) 100 clams per person per day, not to exceed 200 clams per vessel per day.

13
14 *History Note: Authority G.S. 113-134; 113-169.2; 113-182; 143B-289.52;*

15 *Eff. January 1, 1991;*

16 *Amended Eff. March 1, 1994; February 1, 1992; September 1, 1991;*

17 *Temporary Amendment Eff. October 9, 1995 for a period of 180 days or until the permanent rule*
18 *becomes effective, whichever is sooner;*

19 *Amended Eff. May 1, 1997; March 1, 1996;*

20 *Temporary Amendment Eff. July 1, 1999;*

21 *Amended Eff. October 1, 2008; August 1, 2000;*

22 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0106 is readopted as published in 36:07 NCR 471 as follows:

2
3 **15A NCAC 03K .0106 TAKING OR UNLOADING OYSTERS AND CLAMS ON SUNDAY OR AT NIGHT**

4 (a) It ~~is~~ shall be unlawful to take oysters or clams between the hours of sunset and sunrise on any day.

5 (b) It ~~is~~ shall be unlawful to unload oysters or clams from any vessel or remove any vessel containing oysters or clams
6 from the water on ~~Sunday-Sundays~~ or between sunset and sunrise on any day except that in New Hanover, ~~Pender~~
7 Pender, and Brunswick ~~Counties, counties~~, oysters and clams may be unloaded until two hours after sunset.

8 (c) Oysters and clams taken on ~~Sunday-Sundays~~ from public bottom under the provisions of ~~15A NCAC 03K-Rule~~
9 .0105 of this Section or from shellfish leases and franchises pursuant to G.S. 113-208 ~~are~~ shall be exempt from
10 Paragraph (b) of this Rule.

11
12 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
13 *Eff. January 1, 1991;*
14 *Temporary Amendment Eff. July 1, 1999;*
15 *Amended Eff. October 1, 2008; August 1, 2000;*
16 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0107 is readopted as published in 36:07 NCR 471-472 as follows:

2
3 **15A NCAC 03K .0107 DEPURATION OF ~~SHELLFISH~~CLAMS AND OYSTERS**

4 (a) It ~~is~~ shall be unlawful to take clams or oysters from ~~the polluted public or private prohibited (polluted) waters or~~
5 franchises of the state State for the purpose of depuration except when the harvest will utilize ~~shellfish clams or oysters~~
6 that would otherwise be destroyed in maintenance dredging operations. All harvest and transport activities within the
7 State of North Carolina related to depuration shall be under the supervision of the Division of Marine Fisheries ~~or the~~
8 ~~Division of Environmental Health Fisheries. For the purpose of this Rule, the term depuration does not include~~
9 ~~relaying of clams or oysters from shellfish leases or franchises as authorized by 15A NCAC 03K .0104.~~

10 (b) The Fisheries Director, may, by proclamation, impose any ~~or all~~ of the following restrictions on the harvest of
11 clams or oysters for depuration:

- 12 (1) ~~Specify~~ specify species;
- 13 (2) ~~Specify areas~~ specify areas, except harvest ~~will~~ shall not be allowed from designated buffer zones
14 adjacent to sewage outfall facilities;
- 15 (3) ~~Specify~~ specify harvest days;
- 16 (4) ~~Specify time period;~~ specify time;
- 17 (5) ~~Specify~~ specify quantity ~~or size~~;
- 18 (6) specify quantity;
- 19 (6)(7) ~~Specify~~ specify harvest methods; and
- 20 (7)(8) ~~Specify~~ specify record keeping requirements.

21 (c) Depuration permits:

- 22 (1) ~~It is~~ it shall be unlawful for individuals to harvest clams or oysters from ~~prohibited (polluted)~~
23 polluted waters for the purpose of depuration unless they have obtained a Depuration Permit or are
24 listed as designees on a Depuration Permit from the Division of Marine Fisheries ~~and Division of~~
25 ~~Environmental Health~~ setting forth the method of harvest to be employed. Permits shall be issued
26 to licensed North Carolina ~~Clam or Oyster Dealers~~ clam or oyster dealers only. Permittees and
27 designees harvesting under Depuration Permits ~~must~~ shall have a current Shellfish License or
28 Shellfish Endorsement on a Standard or Retired Standard Commercial Fishing License. The
29 procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.
- 30 (2) ~~In~~ in addition to information required in 15A NCAC 03O .0501, the permit application shall provide
31 the name, address, ~~location~~ location, and telephone number of the depuration operation where the
32 shellfish will be depurated.
- 33 (3) ~~Clam or Oyster Dealers~~ clam or oyster dealers desiring to obtain ~~prohibited (polluted)~~ clams or
34 oysters from polluted waters for the purpose of depuration shall apply for a depuration permit at
35 least 15 days prior to initiation of operation.

36 (d) Transport of clams or oysters for depuration:

1 (1) ~~Clams-clams~~ or oysters harvested from ~~prohibited (polluted)~~ polluted waters for depuration in a
2 depuration operation located within the State of North Carolina shall be transported under the
3 supervision of the ~~Division of Marine Fisheries or the Division of Environmental Health~~ Division.

4 (2) ~~Clams-clams~~ or oysters harvested from ~~prohibited (polluted)~~ polluted waters for depuration in a
5 depuration operation outside the State of North Carolina shall not be transported within the State of
6 North Carolina except under the supervision of the ~~Division of Marine Fisheries or the Division of~~
7 Environmental Health Division.

8 (e) It ~~is~~ shall be unlawful to ship clams or oysters harvested for depuration to depuration facilities located in a state
9 other than North Carolina unless the facility is in compliance with the applicable rules and laws of the shellfish control
10 agency of that state.

11 (f) ~~The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.~~

12
13 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;*

14 *Eff. January 1, 1991;*

15 *Temporary Amendment Eff. October 1, 2001;*

16 *Amended Eff. October 1, 2008; April 1, 2003;*

17 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0108 is readopted as published in 36:07 NCR 472 as follows:

2
3 **15A NCAC 03K .0108 ~~DREDGES/MECHANICAL~~ DREDGES AND MECHANICAL METHODS**
4 **PROHIBITED**

5 (a) It shall be unlawful to use mechanical methods, except ~~mechanical methods for oystering and clamming~~
6 mechanical methods for clamming and mechanical methods for oystering as defined in 15A NCAC 03I .0101, to take
7 shellfish.

8 (b) It ~~is~~ shall be unlawful to use mechanical methods for oystering or clamming to take shellfish not subject to the
9 restrictions in ~~15A NCAC 03K Rules .0201, .0204, .0302, 0304, .0304, .0404, .0501, and .0503~~ .0503 of this
10 Subchapter:

- 11 (1) within any established bed of submerged aquatic vegetation as defined in 15A NCAC 03I .0101 or
12 salt water cordgrass (~~Spartina alterniflora~~; alterniflora) that may exist together or separately;
13 (2) in areas designated in 15A NCAC 03R .0108, except on shellfish leases and franchises with a Permit
14 to Use Mechanical Methods for ~~Oysters and Clams~~ Shellfish on Shellfish Leases and Franchises;
15 (3) in areas designated in ~~15A NCAC 03K Rule .0204 of this Subchapter~~ and 15A NCAC 03R .0103;
16 and
17 (4) except following restrictions for the use of mechanical methods specified pursuant to 15A NCAC
18 03J .0303 and ~~03K Rules .0201, .0302, .0404, .0501, and .0503~~ .0503 of this Subchapter.

19
20 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

21 *Eff. October 1, 2008;*

22 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0109 is readopted as published in 36:07 NCR 472-473 as follows:

2
3 **15A NCAC 03K .0109 SHELLFISH HARVESTER ~~HARVEST~~ AND DEALER TAGS**

4 ~~It is~~ Consistent with the requirements of this Rule, it shall be unlawful to possess or sell oysters, clams, or mussels
5 taken in a commercial fishing operation without a harvest tag affixed to each container of oysters, ~~clams~~ clams, or
6 mussels. Tags shall be affixed by the harvester ~~or dealer~~ and remain in place while being transported to a certified
7 shellfish dealer. Harvest tags shall remain attached to the container until the certified shellfish dealer breaks open the
8 container for washing, grading, packing, other processing, or the container is shipped. Once the initial container is
9 broken open or is emptied the harvest tag shall be kept on file, in chronological order, by the certified shellfish dealer
10 for 90 days. It shall be unlawful for the tag to fail to ~~and shall~~ meet the following criteria:

- 11 (1) ~~Tags~~ harvest tags shall be identified as harvest tags. They shall be durable for at least 90 days, ~~water~~
12 ~~resistant, waterproof,~~ and a minimum of two and five-eighths inches by five and one-fourth inches
13 in size.
- 14 (2) ~~Tags~~ harvest tags shall be securely fastened to ~~the outside of~~ each container in which shellstock is
15 transported. A ~~harvester or dealer~~ harvest tag shall ~~be remain~~ securely fastened to ~~the outside of~~
16 each container at a certified shellfish dealer until replaced by a dealer tag once the container is
17 broken open for processing or is shipped. Requirements for dealer tags are described in 15A NCAC
18 18A .0425, location except, bulk shipments of shellfish in one container and from the same source
19 may have one tag with all required information attached. Harvesters who are also certified shellfish
20 dealers may use only their dealer tag if it contains the required harvest and dealer information. The
21 required information shall be included on all lots of shellfish subdivided or combined into market
22 grades or market quantities by a harvester or a certified shellfish dealer.
- 23 (3) ~~Tags shall be attached to all shellfish stored at a dealer location.~~ bulk harvest tags may be used when
24 shellfish are harvested from one growing area on a single day by an individual harvester. Multiple
25 containers may be utilized on a wrapped pallet, in a single boat, vehicle, conveyance, or other
26 container, and tagged with a single harvest tag containing the information required in this Rule. The
27 bulk tag shall also include a statement that "All shellstock containers in this lot have the same harvest
28 date and area of harvest.", and include the number of individual containers in the unit or an estimate
29 of the total weight, volume, or count.
- 30 (4) ~~Tags~~ tags shall contain legible information arranged in the specific order as follows:
- 31 (a) ~~The the~~ harvester's name, ~~address~~ address, and ~~shellfish license or standard or retired~~
32 ~~standard commercial fishing license~~ Shellfish License or Standard or Retired Standard
33 Commercial Fishing License with shellfish endorsement ~~number~~ number;
- 34 (b) ~~The the~~ date of ~~harvest~~ harvest;
- 35 (c) ~~The the~~ most precise ~~description~~ identification of the harvest location as is practicable (e.g.,
36 Long Bay, Rose Bay) that can be easily located by maps and charts. Bay), including at a
37 minimum the State's two initials "N.C." and the growing area designation;

1 (d) the shellfish lease or franchise number, if applicable;

2 ~~(d)(c)~~ Type and quantity of ~~shellfish~~ shellfish;

3 ~~(e)(f)~~ The the following statement in bold, capitalized ~~type;font:~~ "THIS TAG IS REQUIRED TO
4 BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON
5 ~~FILE FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS~~ DAYS."; and

6 ~~(f)(g)~~ the time of the start of harvest. The time of the start of harvest shall be the time when the
7 first shellfish is initially removed from the water.

8
9 *History Note:* *Authority G.S. 113-134; 113-168.5; 113-169.2; 113-182; ~~113-221~~; 143B-289.52;*

10 *Eff. October 1, 2008;*

11 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0111 is repealed through readoption as published in 36:07 NCR 473 as follows:

2
3 **15A NCAC 03K .0111 PERMITS TO USE MECHANICAL METHODS FOR SHELLFISH ON**
4 **SHELLFISH LEASES OR FRANCHISES**

5
6 *History Note: Authority G.S. 113-134; 113-169.1; 113-182; 143B-289.52;*

7 *Eff. May 1, 2015;*

8 *Repealed Eff. (Pending legislative review of 15A NCAC 03O .0211).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0201

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 (b)(5), it is unclear to me how the minimum size limit can be “not less than three inches” but also be “not less than two and one-half inches” at the same time.

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

1 15A NCAC 03K .0201 is readopted as published in 36:07 NCR 473-474 as follows:

2
3 **SECTION .0200 – OYSTERS**
4

5 **15A NCAC 03K .0201 OYSTER HARVEST MANAGEMENT**

6 (a) It ~~is~~ shall be unlawful to take or possess oysters from public bottom except from October 15 through March 31.

7 (b) The Fisheries Director may, by proclamation, impose any of the following restrictions on the taking of oysters:

- 8 (1) specify time;
- 9 (2) specify area;
- 10 (3) specify means and methods;
- 11 (4) specify season within the period set forth in Paragraph (a) of this Rule;
- 12 (5) specify size, but the minimum size limit specified shall not be less than three inches, except the
- 13 minimum size limit specified shall not be less than two and one-half inches to prevent loss of oysters
- 14 due to predators, pests, or infectious oyster diseases; and
- 15 (6) specify quantity, but the quantity shall not exceed possession of more than 20 standard U.S. bushels
- 16 in a commercial fishing operation per day.
- 17

18 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-221.1; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Amended Eff. May 1, 2017; October 1, 2008; March 1, 1996; September 1, 1991;*

21 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03K .0202 is readopted as published in 36:07 NCR 474 as follows:

2
3 **15A NCAC 03K .0202 CULLING REQUIREMENTS FOR OYSTERS**

4 (a) ~~It is shall be~~ unlawful to possess oysters ~~which that~~ have accumulated dead shell, accumulated oyster cultch
5 material, a shell length less than that specified by proclamation issued under the authority of Rule .0201 of this Section,
6 or any combination thereof that exceeds a five-percent tolerance limit by volume. Oysters shall be culled where
7 harvested and all oysters of less than legal size, accumulated dead shell, and cultch material shall be immediately
8 returned to the bottom from which it was taken. In determining whether the tolerance limit ~~is~~ has been exceeded, ~~the~~
9 ~~Fisheries Director or his agents may~~ Marine Fisheries Inspectors shall be authorized and empowered to grade all, or
10 any portion, or any combination of portions of the entire quantity being graded and, graded, and in cases of violations,
11 may seize and return to public bottom or otherwise dispose of the oysters as authorized by law. ~~law the entire quantity~~
12 being graded or any portion thereof.

13 ~~(b) All oysters shall be culled where harvested and all oysters of less than legal size, accumulated dead shell, and~~
14 ~~cultch material shall be immediately returned to the bottom from which it was taken.~~

15 ~~(e)(b)~~ This Rule shall not apply to oysters imported from out-of-state solely for shucking by shucking and packing
16 plants permitted by the Division of Marine Fisheries.

17
18 *History Note: Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Amended Eff. March 1, 1996; September 1, 1991;*

21 *Temporary Amendment Eff. July 1, 1999;*

22 *Amended Eff. May 1, 2017; August 1, 2000;*

23 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0204

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 (2), line 10, please capitalize "state" if referring only to the State of North Carolina.

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

1 15A NCAC 03K .0204 is readopted as published in 36:07 NCR 474 as follows:

2
3 **15A NCAC 03K .0204 ~~DREDGES / MECHANICAL~~ MECHANICAL METHODS FOR OYSTERING**
4 **PROHIBITED**

5 It ~~is~~ shall be unlawful to use any ~~dredge or other mechanical method~~ mechanical methods for oystering as defined in
6 15A NCAC 03I .0101 to take oysters:

- 7 (1) in the Mechanical Methods Prohibited areas designated in 15A NCAC 03R .0108, except on
8 shellfish leases and franchises by ~~permit~~ a Permit to Use Mechanical Methods for Shellfish on
9 Shellfish Leases or Franchises; and
10 (2) on any posted ~~bottoms~~ bottom upon which oysters or shells have been planted by the state, unless
11 such ~~bottoms have~~ bottom has been opened to the public and ~~dredging permitted~~ mechanical
12 methods for oystering are allowed.

13
14 *History Note: Authority G.S. 113-134; 113-182; 113-204; 143B-289.52;*
15 *Eff. January 1, 1991;*
16 *Amended Eff. August 1, 2004; May 1, 1997;*
17 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0205 is readopted as published in 36:07 NCR 474 as follows:

2
3 **15A NCAC 03K .0205 MARKETING OYSTERS TAKEN FROM A PRIVATE SHELLFISH BOTTOMS**
4 **LEASE OR FRANCHISE**

5 (a) It ~~is~~ shall be unlawful to take, possess, buy, or sell oysters from a shellfish ~~leases-lease or franchises-franchise~~
6 during the open season unless such oysters have been culled in accordance with Rule ~~15A NCAC 03K .0202~~ .0202 of
7 this Section.

8 ~~(b) It is unlawful to sell, purchase or possess oysters during the regular closed season without the lease or franchise~~
9 ~~holder delivering to the purchaser or other recipient a certification, on a form provided by the Division, that the oysters~~
10 ~~were taken from a valid shellfish lease or franchise. Certification forms shall be furnished by the Division to lease and~~
11 ~~franchise holders upon request.~~

12 (b) All commercial oyster harvesting operations shall operate in accordance with any proclamations issued under the
13 authority of Rule .0110 of this Subchapter.

14 ~~(c) It is~~ shall be unlawful for a shellfish ~~lease or franchise holders-holder or their-the holder's~~ designees to take or
15 possess oysters from public bottom while possessing aboard a vessel oysters taken from a shellfish ~~leases-lease or~~
16 ~~franchises-franchise.~~

17 (d) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to fail to obtain an Aquaculture
18 Operation Permit if the lease or franchise has material extending more than 18 inches above the leased bottom or uses
19 equipment including cages, bags, or predator nets to cultivate shellfish.

20
21 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;*

22 *Eff. January 1, 1991;*

23 *Amended Eff. September 1, 1991;*

24 *Temporary Amendment Eff October 1, 2001;*

25 *Amended Eff. April 1, 2003;*

26 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0207 is readopted as published in 36:07 NCR 474 as follows:

2
3 **15A NCAC 03K .0207 OYSTER SIZE AND HARVEST LIMIT ~~EXEMPTION~~EXEMPTIONS**

4 Possession and sale of oysters by a hatchery or ~~oyster~~-aquaculture operation and purchase and possession of oysters
5 from a hatchery or ~~oyster~~-aquaculture operation shall be exempt from bag and size limit restrictions ~~set under authority~~
6 ~~of 15A NCAC 03K .0201 and 03K .0202~~ as set forth in Rules .0201 and .0202 of this Section. It ~~is~~ shall be unlawful
7 to possess, sell, purchase, or transport such oysters unless they are in compliance with all conditions of the Aquaculture
8 ~~Operations Permit~~ Operation Permit as set forth in 15A NCAC 03O .0503.

9
10 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

11 *Temporary Adoption Eff. October 1, 2001;*

12 *Eff. April 1, 2003;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0208

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 your History Note, I believe you need a reference to G.S. 113-221.1, with respect to the mention of the Director's authority to issue proclamations.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03K .0208 is readopted as published in 36:07 NCR 474-475 as follows:

2
3 **15A NCAC 03K .0208 SEED OYSTER MANAGEMENT AREAS**

4 (a) For the purpose of this Rule and 15A NCAC 03R .0116, "Seed Oyster Management Area" shall mean a shellfish
5 producing habitat area located in open harvest waters that has environmental conditions unsuitable for shellfish growth
6 and survival that is designated to establish a localized regulatory strategy to allow the transfer of oysters to shellfish
7 leases or franchises that have more suitable environmental conditions for further grow-out.

8 (b) The Fisheries Director may, by proclamation, modify or close Seed Oyster Management Areas designated in 15A
9 NCAC 03R .0116 for the protection of public health related to the public health programs under the authority of the
10 Marine Fisheries Commission.

11 ~~(a)(c)~~ It is shall be unlawful to take oysters from Seed Oyster Management Areas designated in 15A NCAC 03R
12 .0116 for planting on shellfish leases or franchises without first obtaining a Permit to Transplant Oysters from Seed
13 Oyster Management Areas from the Fisheries Director. The procedures and requirements for obtaining permits are set
14 forth in 15A NCAC 03O .0501.

15 ~~(b)(d)~~ It is shall be unlawful to use a trawl net, long haul seine, or swipe net in any designated Seed Oyster
16 Management Area.

17
18 *History Note: Authority G.S. 113-134; 113-182; 113-203; ~~113-221~~; 143B-289.52;*

19 *Eff. October 1, 2008;*

20 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0209

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 (b), lines 16-17, can you be more specific as to the meaning of "biological impact" and "user conflict"?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03K .0209 is readopted as published in 36:07 NCR 475 as follows:

2
3 **15A NCAC 03K .0209 OYSTER SANCTUARIES**

4 ~~(a) It is unlawful to use a trawl net, long haul seine, or swipe net in Oyster Sanctuaries designated in 15A NCAC 03R~~
5 ~~.0117. These areas shall be marked with signs or buoys. Unmarked and undesignated tributaries shall be the same~~
6 ~~designation as the designated waters to which they connect or into which they flow. No unauthorized removal or~~
7 ~~relocation of any such marker shall have the effect of changing the designation of any such body of water or portion~~
8 ~~thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the applicability of~~
9 ~~any rule pertaining to any such body of water or portion thereof.~~

10 (a) For the purpose of this Rule and 15A NCAC 03R .0117, "Oyster Sanctuary" shall mean a type of artificial reef and
11 shellfish producing habitat constructed for the purpose of oyster restoration that is managed to sustain populations of
12 oyster broodstock. An Oyster Sanctuary is constructed to maximize habitat complexity and designed to meet its
13 intended function for a minimum of 30 years.

14 (b) The Fisheries Director may, by proclamation, close Oyster Sanctuary areas designated in 15A NCAC 03R .0117
15 to the use of specific fishing gears based on biological impacts or user conflicts.

16 (c) The Fisheries Director may, by proclamation, designate and modify Oyster Sanctuaries based on biological
17 impacts or variable spatial distribution, including shifted material.

18 ~~(b)(d) It is shall be unlawful to use mechanical methods for oystering or clamming in, or to take oysters or clams from~~
19 ~~shellfish from, Oyster Sanctuaries designated in 15A NCAC 03R .0117, .0117 or in accordance with Paragraph (c) of~~
20 ~~this Rule.~~

21 (e) It shall be unlawful to use a trawl net, long haul seine, or swipe net in any designated Oyster Sanctuary.

22
23 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-204; 143B-289.52;*

24 *Eff. October 1, 2008;*

25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0301

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 (a), line 10, as the subject of the sentence is "Clams" please change "it was" to "they were".

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03K .0301 is readopted as published in 36:07 NCR 475 as follows:

2
3 **SECTION .0300 - HARD CLAMS (MERCENARIA)**
4

5 **15A NCAC 03K .0301 SIZE AND HARVEST ~~LIMIT~~ LIMITS OF CLAMS**

6 (a) It ~~is~~ shall be unlawful to take, land, or possess aboard a vessel more than 6,250 hard clams per commercial fishing
7 operation from public bottom in internal waters. It ~~is~~ shall be unlawful to take, possess, sell, or purchase any clams
8 (except Rangia or freshwater clams) less than one inch thick except in accordance with ~~15A NCAC 3K .0305(b). Rule~~
9 ~~.0305 of this Section~~. Clams shall be culled where harvested and all clams of less than legal size with their shell, shall
10 be immediately returned to the bottom from which it was taken. ~~Agents of the Fisheries Director are~~ In determining
11 ~~whether the size and harvest limits have been exceeded~~, Marine Fisheries Inspectors shall be authorized and
12 empowered to grade all, or any portion, or any combination of portions of the entire quantity of clams being graded
13 ~~graded, and in cases of violations, may seize and return to public bottom or other disposition otherwise dispose of the~~
14 ~~clams~~ as authorized by law of the entire quantity being graded or any portion thereof.

15 (b) Size and harvest limits established in Paragraph (a) of this Rule and the season and area limitations established in
16 ~~15A NCAC 3K .0302. Rule .0302 of this Section may or may not apply.~~ apply for:

- 17 (1) ~~For harvest limits for temporary openings made upon the recommendation of Division of~~
18 ~~Environmental Health~~, consistent with the requirements of 15A NCAC 18A .0900 and the North
19 Carolina Hard Clam Fishery Management Plan;
20 (2) ~~For maintenance dredging operations, when clams would otherwise be destroyed, upon approval by~~
21 the Division of Marine Fisheries and consistent with the North Carolina Hard Clam Fishery
22 Management Plan; or
23 (3) ~~For relaying of polluted clams from polluted waters to private shellfish bottoms bottom as permitted~~
24 by 15A NCAC 3K .0104. Rule .0104 of this Subchapter.
25

26 *History Note: Authority G.S. 113-134; 113-136; 113-137; 113-182; 113-221; 143B-289.52;*
27 *Eff. January 1, 1991;*
28 *Amended Eff. March 1, 1994;*
29 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0302 is readopted as published in 36:07 NCR 475-476 as follows:

2
3 **15A NCAC 03K .0302 MECHANICAL HARVEST OF CLAMS FROM PUBLIC BOTTOM**

4 (a) It ~~is shall be~~ unlawful to take, buy, sell, or possess any clams taken by ~~mechanical methods~~ mechanical methods
5 for clamming as defined in 15A NCAC 03I ~~.0101, "mechanical methods for clamming," .0101~~ from public bottom
6 unless the season is open.

7 (b) The Fisheries Director may, by proclamation, open and close the season for the taking of clams by mechanical
8 methods from public bottom at any time in the Atlantic Ocean and only from December 1 through March 31 in Internal
9 ~~Coastal~~ Waters.

10 (c) The Fisheries Director may, by proclamation, open to the taking of clams by mechanical methods from public
11 bottom during open seasons only areas that were opened at any time from January 1979 through September 1988 in:

- 12 (1) Newport, North, White Oak, and New rivers;
13 (2) Core and Bogue sounds;
14 (3) the Intracoastal Waterway north of "BC" Marker at Topsail Beach; and
15 (4) the Atlantic Ocean.

16 Other areas opened for purposes as set out in ~~15A NCAC 03K Rule .0301(b)~~ of this Section shall open only for those
17 purposes. A list of areas as described in this Paragraph is available upon request at the Division of Marine Fisheries,
18 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.

19 (d) The Fisheries Director may, by proclamation, impose any of the following additional restrictions for the taking of
20 clams by mechanical methods from public bottom during open seasons:

- 21 (1) specify time;
22 (2) specify means and methods;
23 (3) specify size; and
24 (4) specify quantity.

25
26 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*
27 *Eff. January 1, 1991;*
28 *Temporary Amendment Eff. October 1, 2001;*
29 *Amended Eff. May 1, 2017; April 1, 2003;*
30 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0304

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 (b), line 11, consider capitalizing "internal waters" as it is capitalized in other Rules.

In (b), line 15, please consider revising "such activities" to clarify the purpose of this portion of the Rule. It is unclear whether "such activities" refers to the activities permitted under .0104, .0107, and .0401, or the activities permitted under this Rule.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03K .0304 is readopted as published in 36:07 NCR 476 as follows:

2
3 **15A NCAC 03K .0304 PROHIBITED TAKING OF CLAMS**

4 (a) It ~~is shall be~~ unlawful to take clams by ~~any method, other than by hand tongs, hand rakes, or by hand, mechanical~~
5 ~~methods for clamming as defined in 15A NCAC 03I .0101, except as provided in 15A NCAC 03K Rule .0302 and~~
6 ~~.0303 of this Section.~~ Regardless of the areas ~~which that~~ may be opened, it ~~is shall be~~ unlawful to take clams by hand
7 tongs in any established bed of submerged aquatic vegetation as ~~described defined~~ in 15A NCAC 03I .0101 or salt
8 water cordgrass (*Spartina alterniflora*) ~~alterniflora~~ that may exist together or separately.

9 (b) It ~~is shall be~~ unlawful to possess clam trawls or cages aboard a vessel at any time, or have ~~kick/deflector kick or~~
10 ~~deflector~~ plates ~~normally otherwise~~ used in the mechanical harvest of clams affixed to a vessel at any time, except
11 during the time period specified for a mechanical clam harvest season in internal waters in accordance with ~~15A~~
12 ~~NCAC 03K .0302(a).~~ Rule .0302(a) of this Section. A period of 14 days before and after the season as specified by
13 proclamation ~~will shall~~ be allowed for the installation and removal of ~~kick/deflector kick or deflector~~ plates and clam
14 trawls or cages. Vessels with permits for activities provided for in ~~15A NCAC 03K Rules .0104, .0107, .0303(a), and~~
15 ~~.0401 of this Subchapter~~ shall be exempt from this Rule during the times such activities are permitted.

16
17 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 143B-289.52;*

18 *Eff. January 1, 1991;*

19 *Amended Eff. October 1, 2008; February 1, 2008; May 1, 1997; July 1, 1993;*

20 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0305 is readopted as published in 36:07 NCR 476 as follows:

2
3 **15A NCAC 03K .0305 CLAM SIZE AND HARVEST LIMIT ~~EXEMPTION~~EXEMPTIONS**

4 Possession and sale of clams by a hatchery or ~~clam~~-aquaculture operation and purchase and possession of clams from
5 a hatchery or ~~clam~~-aquaculture operation shall be exempt from bag and size limit restrictions ~~in 15A NCAC 3K~~
6 ~~.0301(a)~~ as set forth in Rule .0301 of this Section. It ~~is~~ shall be unlawful to possess, sell, purchase, or transport such
7 clams unless they are in compliance with all conditions of the Aquaculture Operation ~~Permit~~ Permit as set forth in
8 15A NCAC 03O .0503.

9
10 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Amended Eff. September 1, 1991;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0401 is readopted as published in 36:07 NCR 476 as follows:

2
3 **SECTION .0400 - RANGIA CLAMS**
4

5 **15A NCAC 03K .0401 ~~PROHIBITED~~ ~~(POLLUTED)~~ POLLUTED AREA PERMIT**
6 **~~REQUIREMENT~~ REQUIREMENTS**

7 It ~~is shall be~~ unlawful to take Rangia clams or their shells by any method from ~~prohibited (polluted) polluted~~ waters
8 without first ~~securing obtaining~~ a Permit to Harvest Rangia Clams from ~~Prohibited (Polluted) Polluted~~ Areas from the
9 Fisheries Director. The permit application shall include a list of all designees operating under the permit. ~~Such The~~
10 permit shall designate the area, means and methods, and ~~time(s) times~~ in which Rangia clams may be taken. The
11 permit applicant shall designate the licensed fish dealer where the Rangia clams are to be landed and the method for
12 disposing of Rangia clam meats. The procedures and requirements for obtaining permits are found in 15A NCAC 03O
13 .0500.
14

15 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;*
16 *Eff. January 1, 1991;*
17 *Amended Eff. August 1, 2004;*
18 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03K .0505

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:

On line 4, please remove the parenthetical and incorporate into the body of the Rule. Also, as height and length can be two different things, please clarify which dimension you're attempting to regulate.

On line 5, please clarify the language regarding the 10% tolerance. If it's your intent to say that scallops up to 10% smaller than 3.5 inches can be taken, the language doesn't make that clear.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03K .0505 is readopted as published in 36:07 NCR 476 as follows:

2
3 **15A NCAC 03K .0505 SEA SCALLOPS SIZE LIMIT AND TOLERANCE**

4 It ~~is~~ shall be unlawful to land or possess sea scallops with a shell height (length) of less than three and one-half inches.

5 A tolerance of not more than ~~ten~~ 10 percent by number for undersized sea scallop shell height shall be allowed. In
6 determining whether the ~~proportion of undersized sea scallops exceeds the ten percent tolerance limit, the Fisheries~~
7 ~~Director and his agents are~~ limit has been exceeded, Marine Fisheries Inspectors shall be authorized and empowered
8 to grade all, or any portion, or any combination of portions of the entire quantity being graded, and in cases of
9 violations, may ~~require seizure or other disposition~~ seize and return to public bottom or otherwise dispose of the sea
10 scallops as authorized by law. ~~law the entire quantity being graded or any portion thereof.~~

11
12 *History Note: Authority G.S. 113-134; 113-136; 113-137; 113-182; 143B-289.52;*

13 *Eff. January 1, 1991;*

14 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03K .0507 is amended as published in 36:07 NCR 476 as follows:

2
3 **15A NCAC 03K .0507 MARKETING SCALLOPS TAKEN FROM A SHELLFISH LEASES-LEASE OR**
4 **FRANCHISES-FRANCHISE**

5 ~~(a) It shall be unlawful to sell, purchase, or possess scallops during the closed season without the lease or franchise~~
6 ~~holder delivering to the purchaser or other recipient a certification, on a form provided by the Division of Marine~~
7 ~~Fisheries, that the scallops were taken from a valid shellfish lease or franchise. Certification forms shall be furnished~~
8 ~~by the Division to lease and franchise holders upon request.~~

9 (a) All commercial scallop harvesting operations shall operate in accordance with any proclamations issued under the
10 authority of Rule .0110 of this Subchapter.

11 ~~(b) It shall be unlawful for a shellfish lease or franchise holders holder or their the holder's~~ designees to take or possess
12 scallops from public bottom while possessing aboard a vessel scallops taken from ~~a shellfish leases-lease or~~
13 ~~franchises-franchise.~~

14 (c) It shall be unlawful for a shellfish lease or franchise holder or the holder's designees to fail to obtain an Aquaculture
15 Operation Permit if the lease or franchise has material extending more than 18 inches above the leased bottom or uses
16 equipment including cages, bags, or predator nets to cultivate shellfish.

17
18 *History Note: Authority G.S. 113-134; 113-182; 113-201; 143B-289.52;*

19 *Eff. May 1, 2015;*

20 *Readopted Eff. April 1, 2019;*

21 *Amended Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0101 is readopted as published in 36:07 NCR 476-477 as follows:

2
3 **SUBCHAPTER 03L – ~~SHRIMPS~~, SHRIMP, CRAB, AND LOBSTER**

4
5 **SECTION .0100 - SHRIMP**

6
7 **15A NCAC 03L .0101 SHRIMP HARVEST RESTRICTIONS**

8 (a) It ~~is~~ shall be unlawful to take shrimp until the Fisheries Director, by proclamation, opens the season.

9 (b) The Fisheries Director may, by proclamation, impose any ~~or all~~ of the following restrictions on the taking of
10 shrimp:

- 11 (1) specify time;
12 (2) specify area;
13 (3) specify means and methods;
14 (4) specify season;
15 (5) specify size; and
16 (6) specify quantity.

17
18 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*
19 *Eff. January 1, 1991;*
20 *Amended Eff. May 1, 2015;*
21 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03L .0102 is readopted as published in 36:07 NCR 477 as follows:

2
3 **15A NCAC 03L .0102 WEEKEND SHRIMPING PROHIBITED**

4 It ~~is~~ shall be unlawful to take shrimp by any method from 9:00 p.m. on Friday through 5:00 p.m. on Sunday, except:

- 5 (1) in the Atlantic Ocean;
- 6 (2) with the use of fixed ~~and nets,~~ channel nets, hand seines, shrimp pots, or cast nets; or
- 7 (3) for a holder of a Permit for Weekend Trawling for Live Shrimp in accordance with 15A NCAC 03O
- 8 .0503.
- 9

10 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Amended Eff. May 1, 2017; August 1, 2004; March 1, 1994;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0103 is readopted as published in 36:07 NCR 477 as follows:

2
3 **15A NCAC 03L .0103 PROHIBITED NETS, MESH ~~LENGTHS~~ LENGTHS, AND AREAS**

4 (a) It ~~is shall be~~ unlawful to take shrimp with nets with mesh lengths less than the following:

5 (1) ~~Trawl net~~ trawl nets: one and one-half inches;

6 (2) ~~Fixed-fixed~~ nets, channel nets, float nets, butterfly nets, and hand ~~seines~~ seines: one and one-fourth
7 inches; and

8 (3) ~~Cast net~~ cast nets: no restriction.

9 (b) It ~~is shall be~~ unlawful to take shrimp with a net constructed in such a manner as to contain an inner or outer liner
10 of any mesh length. Net material used as chafing gear shall be no less than four inches mesh length, except that chafing
11 gear with smaller mesh may be used only on the bottom one-half of the tailbag. Such chafing gear shall not be tied in
12 a manner that forms an additional tailbag.

13 (c) It ~~is shall be~~ unlawful to take shrimp with trawls that have a combined headrope of greater than 90 feet in Internal
14 ~~Coastal~~ Waters in the following areas:

15 (1) ~~North-north~~ of the 35° 46.3000' N latitude line;

16 (2) Core Sound south of a line beginning at a point 34° 59.7942' N - 76° 14.6514' W on Camp Point;
17 running easterly to a point 34° 58.7853' N - 76° 09.8922' W on Core Banks; to the South Carolina
18 State Line;

19 (3) Pamlico River upstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point;
20 running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and

21 (4) Neuse River southwest of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point
22 on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N -
23 76° 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

24 (d) ~~Effective January 1, 2017 it is~~ It shall be unlawful to take shrimp with trawls that have a combined headrope of
25 greater than 220 feet in Internal ~~Coastal~~ Waters in the following areas:

26 (1) Pamlico Sound south of the 35° 46.3000' N latitude line and north of a line beginning at a point 34°
27 59.7942' N - 76° 14.6514' W on Camp Point; running easterly to a point 34° 58.7853' N - 76°
28 09.8922' W on Core Banks;

29 (2) Pamlico River downstream of a line from a point 35° 18.5882' N - 76° 28.9625' W at Pamlico Point;
30 running northerly to a point 35° 22.3741' N - 76° 28.6905' W at Willow Point; and

31 (3) Neuse River northeast of a line from a point 34° 58.2000' N - 76° 40.5167' W at Winthrop Point
32 on the eastern shore of the entrance to Adams Creek; running northerly to a point 35° 01.0744' N - 76°
33 42.1550' W at Windmill Point at the entrance of Greens Creek at Oriental.

34 (e) It ~~is shall be~~ unlawful to use a shrimp trawl in the areas described in 15A NCAC 03R .0114.

35 (f) It ~~is shall be~~ unlawful to use channel nets except as provided in 15A NCAC 03J .0106.

36 (g) It ~~is shall be~~ unlawful to use shrimp pots except as provided in 15A NCAC 03J .0301.

1 (h) It ~~is~~ shall be unlawful to use a shrimp trawl that does not conform with the federal rule requirements for Turtle
2 Excluder Devices (TED) as specified in 50 CFR Part 222.102 Definitions, 50 CFR Part 223.205 (a) and Part 223.206
3 (d) Gear Requirements for Trawlers, and 50 CFR Part 223.207 Approved TEDs. These federal rules are incorporated
4 by reference including subsequent amendments and editions. Copies of these rules are available via the Code of
5 Federal Regulations posted on the Internet at ~~<http://www.gpoaccess.gov/cfr/index.html>~~ [https://www.ecfr.gov/cgi-](https://www.ecfr.gov/cgi-bin/ECFR)
6 [bin/ECFR](https://www.ecfr.gov/cgi-bin/ECFR) and at the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina
7 NC 28557 at no cost.

8
9 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
10 *Eff. January 1, 1991;*
11 *Amended Eff. May 1, 2015; April 1, 2009; July 1, 2006;*
12 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .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 changes be made:

In (2), line 8-9, am I reading this correctly that recreational shrimpers can take shrimp from an area closed to the taking of shrimp?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03L .0105 is readopted as published in 36:07 NCR 477 as follows:

2
3 **15A NCAC 03L .0105 RECREATIONAL SHRIMP LIMITS**

4 It ~~is~~ shall be unlawful to:

5 (1) ~~Possess~~ possess from areas open to the harvest of shrimp more than 48 quarts, heads on or 30 quarts,
6 heads off, of shrimp per person per day or if a vessel is used, per vessel per day for recreational
7 purposes except as provided in 15A NCAC 03O .0303(e) and (f).

8 (2) ~~Take~~ take or possess more than four quarts, heads on or two and one-half quarts, heads off, of shrimp
9 per person per day with a cast net from areas closed to the taking of shrimp.

10
11 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

12 *Eff. April 1, 2009;*

13 *Amended Eff. May 1, 2015; June 1, 2013;*

14 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0201 is readopted as published in 36:07 NCR 477-478 as follows:

2
3 **SECTION .0200 – CRABSCRAB**
4

5 **15A NCAC 03L .0201 CRAB HARVEST RESTRICTIONS**

6 (a) It shall be unlawful to possess blue crabs taken from Crab Harvest Management Areas designated in 15A NCAC
7 03R .0118(1) from January 1 through January 31, except dealers shall have seven days after the beginning of the
8 closure to sell, offer for sale, or transport blue crabs that were taken from this area prior to the closure.

9 (b) It shall be unlawful to possess blue crabs taken from Crab Harvest Management Areas designated in 15A NCAC
10 03R .0118(2) from March 1 through March 15, except dealers shall have seven days after the beginning of the closure
11 to sell, offer for sale, or transport blue crabs that were taken from this area prior to the closure.

12 ~~(a) It is unlawful to possess more than 10 percent by number in any container, male and immature female hard blue~~
13 ~~crabs less than five inches from tip of spike to tip of spike and to fail to return hard blue crabs not meeting this~~
14 ~~restriction to the waters from which taken, except the Fisheries Director may, by proclamation authority established~~
15 ~~in Paragraph (f) of this Rule, further restrict the harvest of blue crabs. All blue crabs not sorted into containers as~~
16 ~~specified in Paragraph (b) of this Rule shall be deemed hard blue crabs for the purpose of establishing the 10 percent~~
17 ~~culling tolerance.~~

18 ~~(b) It is unlawful to possess blue crabs less than five inches from tip of spike to tip of spike unless individual crabs~~
19 ~~are sorted to and placed in separate containers for each of the following categories:~~

20 ~~(1) — soft crabs;~~

21 ~~(2) — pink and red line peeler crabs;~~

22 ~~(3) — white line peeler crabs; and~~

23 ~~(4) — from March 1 through October 31, male crabs to be used as peeler crab bait.~~

24 ~~The Fisheries Director may, by proclamation authority established in Paragraph (f) of this Rule, further restrict the~~
25 ~~harvest of blue crabs.~~

26 (c) It shall be unlawful to possess more than five percent by number of the following hard blue crabs in any
27 combination in any container:

28 (1) male hard blue crabs less than five inches from tip of spike to tip of spike;

29 (2) immature female hard blue crabs;

30 (3) mature female hard blue crabs less than five inches from tip of spike to tip of spike; and

31 (4) mature female hard blue crabs with a dark (brown or black) sponge from April 1 through April 30
32 statewide. For the purpose of this Rule, a "mature female hard blue crab with a dark sponge" shall
33 mean a mature female hard crab that has extruded her eggs on the abdomen or abdominal flap and
34 the eggs have developed a coloration ranging from any shade of brown through black.

35 (d) It shall be unlawful to possess blue crabs described in Subparagraphs (c)(1) through (c)(3) of this Rule unless
36 individual crabs are sorted and placed into separate containers for each of the following categories:

37 (1) soft crabs;

- (2) pink and red-line peeler crabs;
- (3) white line peeler crabs; and
- (4) from March 1 through October 31, male crabs to be used as peeler crab bait.

All blue crabs not sorted into containers as specified shall be deemed hard blue crabs for the purpose of establishing the five percent tolerance described in Paragraph (c) of this Rule.

~~(e)(c) It is shall be unlawful to possess more than five percent by number of white-line peelers-peeler crabs in a container of pink and red-line peeler crabs. peelers, except the Fisheries Director may, by proclamation authority established in Paragraph (f) of this Rule, further restrict the harvest of blue crabs.~~

~~(d)(f) It is shall be unlawful to:~~

- (1) sell white-line peelers; peeler crabs;
- (2) possess white-line peelers-peeler crabs unless they are to be used in the harvester's permitted blue crab shedding operation; and or
- (3) possess male white-line peelers-peeler crabs from June 1 through September 1.

~~The Fisheries Director may, by proclamation authority established in Paragraph (f) of this Rule, further restrict the harvest of blue crabs.~~

~~(e)(g) It is shall be unlawful to possess more than 50 blue crabs per person per day, not to exceed 100 blue crabs per vessel per day for recreational purposes. purposes, except the Fisheries Director may, by proclamation authority established in Paragraph (f) of this Rule, further restrict the harvest of blue crabs.~~

~~(f)(h) In order to comply with management measures adopted in the N.C. Blue Crab Fishery Management Plan, the Fisheries Director may, by proclamation, close the harvest of blue crabs and take the following actions for may further restrict commercial and recreational blue crab harvest. harvest by imposing any of the following requirements on the taking of blue crabs:~~

- (1) specify areas;
- (2) specify seasons;
- (3) specify time periods;
- (4) specify means and methods;
- (5) specify culling tolerance; and
- (6) specify limits on harvest based on size, quantity, sex, reproductive stage, or peeler stage.

(i) It shall be unlawful to fail to immediately return hard blue crabs not meeting the requirements of this Rule to the waters from which they were taken.

History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. April 1, 1997; July 1, 1993;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. April 1, 2014; September 1, 2005; August 1, 2000;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03L .0202 is readopted as published in 36:07 NCR 478-479 as follows:

2
3 **15A NCAC 03L .0202 CRAB TRAWLING**

4 (a) It ~~is~~shall be unlawful to take or possess aboard a vessel crabs taken by trawl in internal waters except in areas and
5 during such times as the Fisheries Director may specify by proclamation.

6 (b) It ~~is~~shall be unlawful to use a trawl to take crabs that does not meet mesh length requirements, except as provided
7 in 15A NCAC 03J .0104. The minimum mesh length to take hard crabs with a trawl ~~is~~shall be three inches, except:

8 (1) ~~The~~the minimum mesh length ~~is~~shall be four inches in the area of western Pamlico Sound west of
9 a line beginning at a point 35° 48.3693' N - 75° 43.7232' W on Roanoke Marshes Point; running
10 easterly to a point 35° 48.3000' N - 75° 37.1167' W near Beacon "I" at the southern end of Roanoke
11 Island; running southerly to a point 35° 30.7500' N - 75° 40.5667' W near the "S" Beacon at Long
12 Shoal; running southwesterly to a point 35° 12.6167' N - 76° 04.3833' W near the "BL" Beacon on
13 Bluff Shoal; running westerly to a point 35° 08.1000' N - 76° 17.5000' W near the "BI" Beacon at
14 Brant Island Shoal; running southwesterly to a point 35° 04 .6167' N - 76° 27.8000' W on Point of
15 Marsh; and

16 (2) ~~The~~the Fisheries Director may, by proclamation, specify areas other than the area described in
17 Subparagraph (b)(1) of this Rule for trawl mesh length use and increase the minimum trawl mesh
18 length to no more than four inches to take hard crabs.

19 (c) It ~~is~~shall be unlawful to use a trawl with a mesh length less than two inches or with a combined total headrope
20 length exceeding 25 feet to take soft or peeler crabs, except as provided in 15A NCAC 03J .0104.

21
22 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

23 *Eff. February 1, 1991;*

24 *Amended Eff. April 1, 2014; September 1, 2005; August 1, 2004; March 1, 1994; September 1, 1991;*

25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0203 is readopted as published in 36:07 NCR 479 as follows:

2
3 **15A NCAC 03L .0203 CRAB DREDGING**

4 ~~(a) It is shall be~~ unlawful to take crabs with dredges ~~except:except~~

5 (1) ~~from January 1 through March 1 in the area of Pamlico Sound described in 15A NCAC 03R .0109;~~
6 ~~and~~

7 (2) ~~incidental to lawful oyster dredging operations in areas not subject to the exception in Subparagraph~~
8 ~~(a)(1) of this Rule provided the weight of the crabs shall not exceed:exceed the lesser of:~~

9 ~~(A)(1) 50-10 percent of the total weight of the combined oyster and crab catch; or~~

10 ~~(B)(2) 500 pounds, whichever is less, 100 pounds.~~

11 The Fisheries Director may, by proclamation authority established in 15A NCAC 03L .0201, further restrict the use
12 of dredges to take blue crabs.

13 ~~(b) It is unlawful to take crabs with dredges between sunset and sunrise and between sunset on any Saturday and~~
14 ~~sunrise on the following Monday, except in the Atlantic Ocean.~~

15
16 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

17 *Eff. January 1, 1991;*

18 *Amended Eff. April 1, 2014; May 1, 1997;*

19 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03L .0204 is readopted as published in 36:07 NCR 479 as follows:

2
3 **15A NCAC 03L .0204 CRAB POTS**

4 (a) It ~~is~~ shall be unlawful to take crabs with pots except as provided in 15A NCAC 03J .0301 and .0302. The Fisheries
5 Director may, by proclamation authority established in 15A NCAC 03L .0201, further restrict the use of pots to take
6 blue crabs.

7 (b) The Fisheries Director may, by proclamation, require the use of terrapin excluder devices in each funnel entrance
8 in crab pots and impose the following restrictions concerning terrapin excluder devices:

- 9 (1) specify areas;
10 (2) specify time periods; and
11 (3) specify means and methods.

12
13 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*
14 *Eff. January 1, 1991;*
15 *Amended Eff. April 1, 2014;*
16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03L .0205

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 (b), where is your statutory authority for the Director to designate areas as crab spawning sanctuaries by proclamation? As I read G.S. 113-221.1, the proclamation authority extends only to waiving or imposing already established Rules.

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

1 15A NCAC 03L .0205 is readopted as published in 36:07 NCR 479 as follows:

2
3 **15A NCAC 03L .0205 CRAB SPAWNING SANCTUARIES**

4 (a) It ~~is shall be~~ unlawful to set or use trawls, pots, ~~and or~~ mechanical methods for ~~oysters or clams shellfish~~ or take
5 crabs with the use of commercial fishing equipment ~~from the crab spawning sanctuaries described in 15A NCAC 03R~~
6 ~~.0110 from March 1 through August 31~~ in crab spawning sanctuaries:

7 (1) from March 1 through August 31 for the crab spawning sanctuaries described in 15A NCAC 03R
8 .0110(1); and

9 (2) from March 1 through October 31 for the crab spawning sanctuaries described in 15A NCAC 03R
10 .0110(2).

11 (b) The Fisheries Director may, by proclamation, designate additional areas as crab spawning sanctuaries and may
12 impose the following restrictions in any crab spawning sanctuary:

- 13 (1) specify areas;
14 (2) specify time periods;
15 (3) specify means and methods; and
16 (4) specify limits on harvest based on size, quantity, sex, reproductive stage, or peeler stage.

17
18 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

19 *Eff. January 1, 1991;*

20 *Amended Eff. May 1, 1997;*

21 *Temporary Amendment Eff. October 2, 1999;*

22 *Amended Eff. April 1, 2014; April 1, 2001;*

23 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0201

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 (c)(3), line 13, I believe the Rule reads that it is unlawful to import, buy, etc, striped bass **except** (1) during open striped bass season of another state **and** (2) the person is not in possession of a bill of lading and a state issued tag affixed to the fish. Is this correct?*

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

1 15A NCAC 03M .0201 is readopted as published in 36:07 NCR 479-480 as follows:

2
3 **SECTION .0200 - STRIPED BASS**
4

5 **15A NCAC 03M .0201 STRIPED BASS REQUIREMENTS; GENERAL**

6 (a) ~~Striped bass is defined as striped bass~~ For the purpose of this Section, "striped bass" shall mean striped bass
7 (Morone saxatilis) and its hybrids taken in ~~coastal and joint fishing waters~~ Coastal and Joint Fishing Waters.

8 (b) It ~~is shall be~~ unlawful to possess striped bass ~~imported from other states that are~~ less than 18 inches long (total
9 ~~length)-length~~ imported from other states.

10 (c) It ~~is shall be~~ unlawful to import, buy, sell, transport, offer to buy or sell, or possess striped bass except during any:

11 (1) open striped bass season established for ~~internal coastal waters~~ Internal Waters;

12 (2) open striped bass season established for the Atlantic Ocean; or

13 (3) open striped bass season of another state without possession of the following:

14 (A) ~~A~~ a bill of lading as described in 15A NCAC 03I .0114; and

15 (B) ~~A~~ a numbered, state-issued tag from the ~~State~~ state of origin affixed through the mouth and
16 gill cover. This tag must remain affixed until processed for consumption by the consumer.

17 (d) The management areas for estuarine striped bass fisheries in coastal North Carolina are designated in 15A NCAC
18 03R .0201.

19
20 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

21 *Eff. January 1, 1991;*

22 *Amended Eff. March 1, 1994; September 1, 1991;*

23 *Temporary Amendment Eff. May 1, 2000;*

24 *Amended Eff. June 1, 2013; October 1, 2008; October 1, 2004; April 1, 2001;*

25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03M .0202 is readopted as published in 36:07 NCR 480 as follows:

2
3 **15A NCAC 03M .0202 STRIPED BASS SEASON, ~~SIZE~~ SIZE, AND HARVEST LIMIT: INTERNAL**
4 **COASTAL WATERS**

5 (a) It ~~is shall be~~ unlawful to possess striped bass from the ~~coastal fishing waters~~ Coastal Fishing Waters of the Cape
6 Fear River and its tributaries.

7 (b) It ~~is shall be~~ unlawful to possess striped bass from the Roanoke River Management ~~Area~~ Area, as designated in
8 15A NCAC 03R .0201, in a commercial fishing operation.

9 (c) The Fisheries Director may, by ~~proclamation~~ proclamation, impose any ~~or all of~~ the following restrictions on the
10 taking of striped bass in a commercial fishing operation or for recreational purposes in ~~internal coastal waters~~ Internal
11 Waters during the period from October 1 through April 30:

12 (1) ~~Specify~~ specify fishing days and times;

13 (2) ~~Specify areas;~~ specify area;

14 (3) specify means and methods;

15 (4) specify size, but the minimum size specified shall not be less than 18 inches total length; and

16 (5) ~~Specify~~ specify quantity, except possession for recreational purposes shall not exceed:

17 (A) more than three fish in any one day in the Albemarle Sound Management ~~Area~~ Area, as
18 designated in ~~Rule~~ 15A NCAC 03R .0201; and

19 (B) more than two fish in any one day in the ~~joint and coastal fishing waters~~ Joint and Coastal
20 Fishing Waters of the Central Southern Management ~~Area~~ Area, as designated in ~~Rule~~ 15A
21 NCAC 03R .0201, 0201.

22 (4) ~~Specify means and methods; and~~

23 (5) ~~Specify size, but the minimum size specified shall not be less than 18 inches total length.~~

24 Fish that do not meet the minimum size limit specified by proclamation shall immediately be returned to the waters
25 from which taken regardless of condition.

26
27 *History Note: Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52;*

28 *Eff. January 1, 1991;*

29 *Amended Eff. March 1, 1996; November 1, 1991;*

30 *Temporary Amendment Eff. September 1, 1996;*

31 *Amended Eff. April 1, 1997;*

32 *Temporary Amendment Eff. July 1, 1999;*

33 *Amended Eff. June 1, 2013; July 1, 2008; August 1, 2000;*

34 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0204

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:

Where is your statutory authority for enforcing limits established by the Atlantic States Marine Fisheries Commission? Is it G.S. 113-255?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03M .0204 is readopted as published in 36:07 NCR 480 as follows:

2
3 **15A NCAC 03M .0204 STRIPED BASS SEASON, ~~SIZE~~ SIZE, AND HARVEST LIMIT: ATLANTIC**
4 **OCEAN**

5 It ~~is~~ shall be unlawful to possess striped bass taken from the Atlantic Ocean ~~less other~~ than the size limit as ~~determined~~
6 established by the Atlantic States Marine Fisheries Commission ~~in their~~ Interstate ~~Fisheries~~ Fishery Management Plan
7 for ~~striped bass~~ Atlantic Striped Bass. The Fisheries Director shall issue proclamations necessary to bring North
8 Carolina's size limit in compliance with the Interstate ~~Fisheries~~ Fishery Management Plan.

9
10 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*
11 *Eff. January 1, 1991;*
12 *Amended Eff. March 1, 1996;*
13 *Temporary Amendment Eff. October 1, 1996;*
14 *Amended Eff. October 1, 2008; July 1, 1998;*
15 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0205

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:

Are the proclamations referenced in this Rule governed by other Rules? If so, please cross-reference.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03M .0205 is readopted as published in 36:07 NCR 480 as follows:

2
3 **15A NCAC 03M .0205 STRIPED BASS; PROHIBITED TRAWLING**

4 (a) It ~~is~~ shall be unlawful to possess striped bass on a vessel with a trawl net on that vessel in ~~internal coastal waters~~
5 Internal Waters except during transit from ocean fishing grounds to port during any open striped bass trawl season in
6 the Atlantic Ocean established by proclamation. Striped bass so possessed ~~must~~ shall meet the minimum size limit set
7 by proclamation.

8 (b) It ~~is~~ shall be unlawful to possess striped bass on a vessel in the Atlantic Ocean with a trawl net on that vessel
9 except during any open striped bass trawl season in the Atlantic Ocean established by proclamation.

10
11 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

12 *Eff. January 1, 1991;*

13 *Amended Eff. December 1, 2007;*

14 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03M .0503

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 (d), lines 28-29, what are the "related requirements" in 03O .0500?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03M .0503 is readopted as published in 36:07 NCR 480-481 as follows:

2
3 **15A NCAC 03M .0503 FLOUNDER**

4 (a) It ~~is shall be~~ unlawful to possess flounder less than 14 inches total length taken from the Atlantic Ocean in a
5 commercial fishing operation.

6 (b) From October 1 through April 30, it shall be unlawful to use a trawl in the Atlantic Ocean within three miles of
7 the ocean beach from the North Carolina/Virginia state line (36° 33.000'N) to Cape Lookout (34° 36.000'N) unless
8 each trawl has a mesh length of ~~5-1/2~~ five and one-half inches or larger diamond mesh (stretched) or ~~6~~ six inches or
9 larger square mesh (stretched) applied throughout the body, ~~extension(s)~~ extensions, and the cod end (tailbag) of the
10 net except as provided in Paragraphs (g) and (h) of this Rule.

11 (c) License to Land Flounder from the Atlantic Ocean:

12 (1) ~~It is it shall be~~ unlawful to land more than 100 pounds per trip of flounder taken from the Atlantic
13 Ocean unless the owner of the ~~vessel-vessel~~, or in the case of Land or Sell Licenses, the responsible
14 party, has been issued a License to Land Flounder from the Atlantic Ocean and the vessel in use is
15 the vessel specified on the License to Land Flounder from the Atlantic Ocean.

16 (2) ~~It is it shall be~~ unlawful for a fish dealer to purchase or offload more than 100 pounds of flounder
17 taken from the Atlantic Ocean by a vessel whose owner, or in the case of Land or Sell Licenses, the
18 responsible party, has not first procured a valid North Carolina License to Land Flounder from the
19 Atlantic Ocean and the vessel in use is the vessel specified on the License to Land Flounder from
20 the Atlantic Ocean.

21 (3) ~~It is it shall be~~ unlawful for any person to land flounder from the Atlantic Ocean under a License to
22 Land Flounder from the Atlantic Ocean unless that person is the holder of the license or the master
23 designated on the license.

24 (4) ~~It is it shall be~~ unlawful for any individual to land flounder from the Atlantic Ocean without having
25 ready at hand for inspection a valid License to Land Flounder from the Atlantic Ocean, except as
26 specified in Subparagraph ~~(c)(1) of this Rule~~ (1) of this Paragraph.

27 (d) All fish dealer transactions in flounder landed from the Atlantic Ocean ~~must shall~~ be conducted in accordance
28 with the Atlantic Ocean Flounder Dealer Permits in 15A NCAC 03O .0503 and related ~~rules~~ requirements in 15A
29 NCAC 03O .0500.

30 (e) It ~~is shall be~~ unlawful to transfer flounder taken from the Atlantic Ocean from one vessel to another.

31 (f) Tailbag liners of any mesh size, the multiple use of two or more cod ends, or other netting material that in any way
32 could restrict the legal size mesh shall not be used or possessed on the deck of a vessel in the Atlantic Ocean from
33 October 1 through April 30 from the North Carolina/Virginia state line (36° 33.000' N) to Cape Lookout (34°
34 36.0000'N).

35 (g) Trawls with a cod end mesh size smaller than described in Paragraph (b) of this Rule may be used or possessed
36 on the deck of a vessel provided not more than 100 pounds of flounder per trip from May 1 through October 31 or
37 more than 200 pounds from November 1 through April 30 is possessed aboard or landed from that vessel.

(h) Flynets are exempt from the flounder trawl mesh requirements if they meet the following ~~definition~~ requirements:

- (1) ~~The the~~ net has large mesh in the wings that measure ~~8-eight~~ inches to 64 inches;
- (2) ~~The the~~ first body section (belly) of the net has 35 or more meshes that are at least ~~8-eight~~ inches; and
- (3) ~~The the~~ mesh decreases in size throughout the body of the net to as small as ~~2-two~~ inches or smaller towards the terminus of the net.

(i) ~~Commercial Season~~ Season:

- (1) ~~The the~~ North Carolina season for landing ocean-caught flounder shall open January 1 each year. If 80 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
- (2) ~~The the~~ season for landing flounder taken in the Atlantic Ocean shall reopen November 1 if any of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder remains. If after reopening, 100 percent of the quota allocated to North Carolina in accordance with the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is projected to be taken prior to the end of the calendar year, the Fisheries Director shall, by proclamation, close North Carolina ports to landing of flounder taken from the ocean.
- (3) ~~During during~~ any closed season prior to November 1, vessels may land up to 100 pounds of flounder per trip taken from the Atlantic Ocean.

(j) The Fisheries Director may, by proclamation, establish trip limits for the taking of flounder from the Atlantic Ocean to assure that the individual state quota allocated to North Carolina in the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Fishery Management Plan for Summer Flounder is not exceeded.

(k) The Fisheries Director may, by proclamation, based on variability in environmental and local stock conditions, take any ~~or all~~ of the following actions in the flounder fishery:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- ~~(1)(5)~~ ~~Specify-specify~~ size;
- ~~(2)~~ ~~Specify~~ season;
- ~~(3)~~ ~~Specify~~ area;
- ~~(4)(6)~~ ~~Specify-specify~~ quantity; and
- ~~(5)~~ ~~Specify~~ means/methods; and

1 ~~(6)(7)~~ ~~Require-require~~ submission of statistical and biological data.

2 (l) Possession and sale of flounder by a hatchery or flounder aquaculture operation and purchase and possession of
3 flounder from a hatchery or flounder aquaculture operation shall be exempt from season and size limit restrictions set
4 under Paragraph (k) of this Rule. It ~~is~~ shall be unlawful to possess, sell, purchase, or transport such flounder unless
5 they are in compliance with all conditions of the Aquaculture ~~Operations~~ Operation Permit.

6
7 *History Note: Authority G.S. 113-134; 113-169.5; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Amended Eff. March 1, 1996; February 1, 1992;*

10 *Temporary Amendment Eff. November 1, 1995 for a period of 180 days or until the permanent rule*
11 *becomes effective, whichever is sooner;*

12 *Temporary Amendment Eff. December 23, 1996;*

13 *Amended Eff. April 1, 1997;*

14 *Temporary Amendment Eff. June 1, 1998; August 18, 1997;*

15 *Amended Eff. April 1, 1999;*

16 *Temporary Amendment Eff. May 1, 2000; July 1, 1999;*

17 *Amended Eff. April 1, 2001; August 1, 2000;*

18 *Temporary Amendment Eff. September 1, 2004;*

19 *Temporary Amendment Expired June 12, 2005;*

20 *Amended Eff. September 1, 2005;*

21 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03N .0104 is readopted as published in 36:07 NCR 481 as follows:

2
3 **15A NCAC 03N .0104 PROHIBITED GEAR, PRIMARY NURSERY AREAS**

4 It ~~is shall be~~ unlawful to use any trawl net, long haul seine, swipe net, dredge, ~~or mechanical method for clams or~~
5 ~~oysters~~ mechanical methods for clamming, or mechanical methods for oystering for the purpose of taking any marine
6 fishes in any of the primary nursery areas described in 15A NCAC ~~3R-03R~~ .0103.

7
8 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

9 *Eff. January 1, 1991;*

10 *Amended Eff. September 1, 1991;*

11 *Recodified from 15A NCAC 3N .0004 Eff. May 1, 1997;*

12 *Amended Eff. May 1, 1997;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03N .0105 is readopted as published in 36:07 NCR 481-482 as follows:

2
3 **15A NCAC 03N .0105 PROHIBITED GEAR, SECONDARY NURSERY AREAS**

4 (a) It ~~is~~ shall be unlawful to use trawl nets for any purpose in any of the permanent secondary nursery areas designated
5 in 15A NCAC 03R .0104.

6 (b) It ~~is~~ shall be unlawful to use trawl nets for any purpose in any of the special secondary nursery areas designated
7 in 15A NCAC 03R .0105, except that the Fisheries Director, may, by proclamation, open any ~~or all~~ of the special
8 secondary nursery areas, or any portion thereof, ~~listed~~ designated in 15A NCAC 03R .0105 to shrimp or crab trawling
9 from August 16 through May 14 subject to the provisions of 15A NCAC 03L .0100 and .0200.

10
11 *History Note: Authority G.S. 113-134; 113-182; ~~113-221~~; 113-221.1; 143B-289.52;*

12 *Eff. January 1, 1991;*

13 *Amended Eff. September 1, 1991;*

14 *Recodified from 15A NCAC 03N .0005 Eff. May 1, 1997;*

15 *Amended Eff. August 1, 2004; May 1, 1997;*

16 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0101 is readopted as published in 36:07 NCR 482-485 as follows:

2
3 **SUBCHAPTER 03O - LICENSES, LEASES, ~~FRANCHISES~~ FRANCHISES, AND PERMITS**

4
5 **SECTION .0100 - LICENSES**

6
7 **15A NCAC 03O .0101 PROCEDURES AND REQUIREMENTS TO OBTAIN LICENSES,**
8 **~~ENDORSEMENTS~~ ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL**
9 **REGISTRATIONS**

10 (a) Division of Marine Fisheries licenses are available at offices of the Division or by mail from the Morehead City
11 Office of the Division, unless otherwise specified. In addition, Recreational Commercial Gear Licenses are available
12 at license agents of the Wildlife Resources Commission in accordance with G.S. 113-270.1.

13 (b) For the purpose of this Rule, the procedures and requirements for the licensee shall also apply to the responsible
14 party, the person holding power of attorney, the tournament organizer, and the vessel master.

15 (a)(c) To obtain any Division of Marine Fisheries licenses, endorsements, ~~commercial fishing vessel registrations,~~
16 and Commercial Fishing Vessel Registrations, a licensee shall provide a completed application to an office of the
17 Division by mail or in person. Applications submitted without complete and required information shall not be
18 processed until all required information has been submitted. Incomplete applications shall be returned to the applicant
19 with deficiency in the application so noted. The following shall be required for the application: ~~except Recreational~~
20 Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for the
21 application by the licensee, a responsible party, or person holding a power of attorney:

22 (1) Full full name, physical address, mailing address, date of birth, and signature of the licensee on the
23 application-licensee. If the licensee is not appearing before a license agent or a representative of the
24 Division, the licensee's signature on the application shall be ~~notarized;~~ notarized.

25 (2) a statement from the licensee that the information and supporting documentation submitted with the
26 application is true and correct.

27 ~~(2)(3)~~ (3) Current current and valid picture identification of licensee or responsible party-the licensee.
28 Acceptable forms of picture identification are state driver's license, state identification card, card
29 issued by the Division of Motor Vehicles, military identification card, resident alien card (green
30 card), or passport; or if purchased by mail, a copy ~~thereof;~~ thereof.

31 ~~(3)(4)~~ (4) Certification-certification that the applicant does not have four or more marine or estuarine resource
32 violations-convictions during the previous three ~~years;~~ years.

33 (4) Valid documentation papers or current motor boat registration, or copy thereof when purchasing a
34 commercial fishing vessel registration. If an application for transfer of documentation is pending, a
35 copy of the pending application and a notarized bill of sale may be submitted;

36 (5) Current-current articles of incorporation and a current list of corporate officers when purchasing a
37 license or ~~commercial fishing vessel registration~~ Commercial Fishing Vessel Registration in a

corporate name. In the case of incorporation of an individual fishing vessel, the name of the vessel master of that vessel shall also be specified. The responsible party licensee shall notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel; changing the vessel master.

(6) a current copy of a written partnership agreement shall be provided when purchasing a license, endorsement, or Commercial Fishing Vessel Registration in a partnership name, if a partnership is established.

(7) valid documentation papers or current motor boat registration, or copy thereof when purchasing a Commercial Fishing Vessel Registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

~~(6)~~(8) An affirmation of liability insurance and that the operator is knowledgeable of United States Coast Guard (USCG) safety requirements for the vessel(s)-vessels used in the operation in accordance with G.S. 113-168.6 when purchasing a ~~commercial fishing vessel registration~~ Commercial Fishing Vessel Registration with a for-hire endorsement.

~~(7)~~ If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement, or commercial fishing vessel registration in a partnership name;

~~(8)~~ For nonresidents, certification of the state of residency;

~~(9)~~ In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;

~~(10)~~ In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;

~~(11)~~ In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept;

~~(12)~~ When purchasing a Fish Dealer License with clam or oyster categories or a consolidated license, the applicant shall provide valid certification as a North Carolina-certified shellfish dealer;

~~(13)~~ In addition, for the Blanket For Hire Captain's Coastal Recreational Fishing License (CRFL), the applicant shall provide a valid certification from the USCG that allows carrying six or fewer passengers or a certification from the USCG that allows carrying more than six passengers; and

~~(14)~~ In addition, for the Blanket For Hire Vessel CRFL or the Non Blanket For Hire Vessel License, valid documentation papers or current motor boat registration or copies thereof for the vessel engaged as for hire. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.

(d) In addition to the requirements of Paragraph (c) of this Rule, proof of residency for non-residents shall be documented by the licensee with certification of the state of residency. Proof of residency for residents of North Carolina shall be documented by the licensee as follows:

- 1 (1) Standard or Retired Standard Commercial Fishing Licenses: A notarized certification from the
2 applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4)
3 and:
- 4 (A) a notarized certification from the applicant that a North Carolina State Income Tax Return
5 was filed for the previous calendar or tax year as a North Carolina resident;
- 6 (B) a notarized certification that the applicant was not required to file a North Carolina State
7 Income Tax Return for the previous calendar or tax year; or
- 8 (C) military identification or military dependent identification, and permanent change of
9 station orders or assignment orders substantiating the military individual's active duty
10 assignment at a military facility in North Carolina.
- 11 (2) All other types of licenses:
- 12 (A) North Carolina voter registration card;
- 13 (B) current North Carolina Driver's License;
- 14 (C) current North Carolina Certificate of Domicile;
- 15 (D) current North Carolina Identification Card issued by the North Carolina Division of Motor
16 Vehicles; or
- 17 (E) military identification or military dependent identification, and permanent change of
18 station orders or assignment orders substantiating the military individual's active duty
19 assignment at a military facility in North Carolina.
- 20 (e) In addition to the requirements in Paragraphs (c) and (d) of this Rule, the following shall be required:
- 21 (1) Blanket For-Hire Captain's CRFL: a valid certification from the USCG that allows carrying six or
22 fewer passengers or a certification from the USCG that allows carrying more than six passengers.
- 23 (2) Blanket For-Hire Vessel CRFL or Non-Blanket For-Hire Vessel License:
- 24 (A) valid documentation papers or current motor boat registration, or copies thereof for the
25 vessel engaged as for-hire; or
- 26 (B) a copy of the pending application and a notarized bill of sale if an application for transfer
27 of documentation is pending.
- 28 (3) Fish Dealer License:
- 29 (A) the physical address of the established location where business is conducted and, if
30 different, the address where records are kept; and
- 31 (B) a valid Permit and Certificate of Compliance from the Division of Marine Fisheries
32 Shellfish Sanitation and Recreational Water Quality Section, if purchasing a Fish Dealer
33 License with clam or oyster categories or a consolidated license.
- 34 (4) Land or Sell License:
- 35 (A) valid documentation papers or current motor boat registration, or copy thereof; or
- 36 (B) a copy of the pending application and a notarized bill of sale if an application for transfer
37 of documentation is pending.

1 The fees for a Land or Sell License shall be based on the vessel's homeport as it appears on the USCG
2 documentation papers or the state in which the vessel is registered, in accordance with G.S. 113-169.5.

3 (5) Ocean Fishing Pier License:

4 (A) the information required in G.S. 113-169.4; and

5 (B) linear length of the pier. A Marine Fisheries inspector's signature is required to verify the
6 linear length of the pier before the license can be issued.

7 (6) Recreational Fishing Tournament License to Sell Fish: name and date or dates of the tournament.

8 (7) Spotter Plane License:

9 (A) the information required in G.S. 113-171.1;

10 (B) the current aircraft registration; and

11 (C) a list of operators.

12 ~~(b)(f)~~ For a License to Land Flounder from the Atlantic Ocean, in addition to the requirements in Paragraphs
13 (c) and (d) of this Rule, the following shall be applicable:

14 (1) for the purpose of this Paragraph, "license year" means the period beginning July 1 of a year through
15 June 30 of the following year.

16 ~~(1)(2)~~ To to qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:

17 (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each
18 year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license
19 years for which the person had a vessel that was licensed to land in North Carolina; and

20 (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-
21 94, or 1994-95 license years; and

22 (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or
23 Sell License.

24 ~~(2)(3)~~ It is lawful it shall be unlawful for a person to hold more Licenses to Land Flounder from the Atlantic
25 Ocean equal to than the number of vessels that he owns the person owns that individually met the
26 eligibility requirements of Parts (b)(1)(A)-(f)(2)(A) and (b)(1)(B)-(f)(2)(B) of this Rule.

27 ~~(3)(4)~~ The the License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel
28 specified at the time of license issuance.

29 ~~(4)(5)~~ At at the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean
30 shall specify the name of the vessel master of the vessel for each License to Land Flounder from the
31 Atlantic Ocean issued.

32 ~~(5)(6)~~ The the holder of the License to Land Flounder from the Atlantic Ocean shall notify the Morehead
33 City Office of the Division of Marine Fisheries within five days of change as to the vessel master
34 identified on the license.

35 ~~(6)(7)~~ Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire
36 on June 30 year.

1 (g) For a Recreational Fishing Tournament License to Sell Fish, in addition to the requirements in Paragraphs (c) and
2 (d) of this Rule, the following shall be applicable:

3 (1) it shall be unlawful for anyone other than the holder of the Recreational Fishing Tournament License
4 to Sell Fish to sell fish taken during a recreational fishing tournament.

5 (2) fish to be sold under the Recreational Fishing Tournament License to Sell Fish shall be sold only to
6 licensed fish dealers and shall comply with all applicable rules of the Marine Fisheries Commission
7 or provisions of proclamations issued by the Fisheries Director as authorized by the Marine Fisheries
8 Commission.

9 (3) it shall be unlawful for a licensed recreational fishing tournament organizer to fail to accurately and
10 legibly complete a North Carolina Recreational Fishing Tournament Disposition of Proceeds from
11 the Sale of Fish Form provided by the Division of Marine Fisheries and submit the form to the
12 Division within 30 days after the last day of the tournament.

13 (h) It shall be unlawful for a license, endorsement, or Commercial Fishing Vessel Registration holder to fail to notify
14 the Division of Marine Fisheries within 30 days of a change of name or address, in accordance with G.S. 113-169.2.

15 ~~(e) To obtain a Recreational Fishing Tournament License to Sell Fish, the tournament organizer shall apply with the~~
16 ~~Division of Marine Fisheries at least 30 days prior to the starting date of the tournament with the following required~~
17 ~~information:~~

18 (1) ~~Full name, physical address, mailing address, date of birth, signature of the tournament organizer,~~
19 ~~name of tournament, and dates of tournament on the license application. If the licensee is not~~
20 ~~appearing before a representative of the Division, the licensee's signature shall be notarized on the~~
21 ~~application.~~

22 (2) ~~Current picture identification of tournament organizer. Acceptable forms of picture identification~~
23 ~~are driver's license, state identification card, military identification card, resident alien card (green~~
24 ~~card), or passport; or if purchased by mail, a copy thereof.~~

25 ~~(d) To obtain a Land or Sell License, the following information is required for a proper application:~~

26 (1) ~~Full name, physical address, mailing address, date of birth, and signature of the responsible party or~~
27 ~~master for the vessel on the license application. If the licensee is not appearing before a~~
28 ~~representative of the Division, the licensee's signature on the application shall be notarized on the~~
29 ~~application;~~

30 (2) ~~Current picture identification of responsible party or master. Acceptable forms of picture~~
31 ~~identification are driver's license, state identification card, military identification card, resident alien~~
32 ~~card (green card), or passport; or if applying by mail, a copy thereof;~~

33 (3) ~~Valid documentation papers or current motor boat registration or copy thereof when purchasing a~~
34 ~~commercial fishing vessel registration. If an application for transfer of documentation is pending,~~
35 ~~a copy of the pending application and a notarized bill of sale may be submitted.~~

36 ~~Fees shall be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State~~
37 ~~in which the vessel is registered, in accordance with G.S. 113-169.5.~~

1 ~~(e) Proof of residency in North Carolina for:~~

2 ~~(1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall~~
3 ~~require a notarized certification from the applicant that the applicant is a resident of the State of~~
4 ~~North Carolina as defined by G.S. 113-130(4); and~~

5 ~~(A) a notarized certification from the applicant that a North Carolina State Income Tax Return~~
6 ~~was filed for the previous calendar or tax year as a North Carolina resident;~~

7 ~~(B) a notarized certification that the applicant was not required to file a North Carolina State~~
8 ~~Income Tax Return for the previous calendar or tax year; or~~

9 ~~(C) military identification, military dependent identification and permanent change of station~~
10 ~~orders or assignment orders substantiating individual's active duty assignment at a military~~
11 ~~facility in North Carolina.~~

12 ~~(2) All other types of licenses:~~

13 ~~(A) North Carolina voter registration card; or~~

14 ~~(B) Current North Carolina Driver's License; or~~

15 ~~(C) Current North Carolina Certificate of Domicile; or~~

16 ~~(D) Current North Carolina Identification Card issued by the North Carolina Division of Motor~~
17 ~~Vehicles; or~~

18 ~~(E) Military identification, military dependent identification and permanent change of station~~
19 ~~orders or assignment orders substantiating individual's active duty assignment at a military~~
20 ~~facility in North Carolina.~~

21 ~~(f) Applications submitted without complete and required information shall not be processed until all required~~
22 ~~information has been submitted. Incomplete applications shall be returned to the applicant with deficiency in the~~
23 ~~application so noted.~~

24 ~~(g) It is unlawful for a license or registration holder to fail to notify the Division of Marine Fisheries within 30 days~~
25 ~~of a change of name or address, in accordance with G.S. 113-169.2.~~

26 ~~(h) Licenses are available at Offices of the Division or by mail from the Morehead City Office, unless otherwise~~
27 ~~specified. In addition, Recreational Commercial Gear Licenses are available at Wildlife Service Agents who have~~
28 ~~been designated as agents of the Department.~~

29 ~~(i) To renew any Marine Fisheries licenses, endorsements, and commercial fishing vessel registration, except~~
30 ~~Recreational Commercial Gear Licenses, the following is required for the renewal application by the licensee, a~~
31 ~~responsible party, or person holding a power of attorney;~~

32 ~~(1) The information required in Subparagraphs (a)(4), (a)(5), and (a)(6) of this Rule are only required~~
33 ~~if a change has occurred since the last issuance of license, endorsement, or commercial fishing vessel~~
34 ~~registration.~~

35 ~~(2) Certification that articles of incorporation and list of corporate officers, if incorporated, written~~
36 ~~partnership agreement, if written partnership, or documentation papers or motor boat registration~~
37 ~~previously provided for initial license purchase are still valid and current for renewal.~~

- (3) ~~Current and valid state driver's license or state identification picture identification numbers and expiration dates shall be verified on mail license renewal applications or any other electronic license renewal process, otherwise the licensee shall provide a photocopy for renewal by mail or visit a Division License Office and present a current and valid picture identification pursuant to Subparagraph (a)(2) of this Rule.~~
- (4) ~~The licensee's or responsible party's signature on the application shall certify all information as true and accurate. Notarization of signature on renewal applications shall not be required.~~
- (5) ~~The Division of Marine Fisheries may require current copies of documentation for licenses, endorsements, or commercial fishing vessel registration on renewal when necessary to verify inconsistent information or the information cannot be verified by independent sources.~~
- (6) ~~If the linear length of the pier has not changed for the Ocean Fishing Pier License renewal, the responsible party shall certify that the length is accurate; otherwise, a Marine Patrol Officer's signature is required to certify the linear length before the license can be renewed.~~
- (7) ~~Certification that shellfish dealer certification by North Carolina previously provided for issuance of Fish Dealer License with clam or oyster categories or consolidated license is still valid and current for renewal.~~

History Note: Authority G.S. 113-134; 113-168; 113-168.1-6; ~~113-169~~; 113-169.2-5; 113-171.1; 113-174.3; 113-182; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. July 1, 1997; March 1, 1994;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. April 1, 2001;
Amended Eff. May 1, 2015; July 1, 2008; December 1, 2006; August 1, 2004; August 1, 2002;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 03O .0102 is readopted as published in 36:07 NCR 485-486 as follows:

2
3 **15A NCAC 03O .0102 ~~RECREATIONAL FISHING TOURNAMENT LICENSE TO SELL FISH~~**
4 **PROCEDURES AND REQUIREMENTS TO RENEW LICENSES,**
5 **ENDORSEMENTS, AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

6 ~~(a) It is unlawful for anyone other than the holder of the Recreational Fishing Tournament License to Sell Fish to sell~~
7 ~~fish taken during a recreational fishing tournament.~~

8 ~~(b) Fish to be sold under the Recreational Fishing Tournament License to Sell Fish must be sold only to licensed fish~~
9 ~~dealers and shall comply with all applicable rules of the Marine Fisheries Commission (MFC) or provisions of~~
10 ~~proclamations issued by the Fisheries Director as authorized by the MFC.~~

11 ~~(c) It is unlawful for a licensed recreational fishing tournament organizer to fail to accurately and legibly complete~~
12 ~~and file within 30 days after the last day of the tournament a North Carolina Recreational Fishing Tournament~~
13 ~~Disposition of Proceeds from the Sale of Fish Form provided by the Division.~~

14 (a) For the purpose of this Rule, the procedures and requirements for the licensee shall also apply to the responsible
15 party, the person holding power of attorney, the tournament organizer, and the vessel master.

16 (b) To renew Division of Marine Fisheries licenses, endorsements, and Commercial Fishing Vessel Registrations,
17 except Recreational Commercial Gear Licenses, a renewal application shall be submitted by the licensee. Applications
18 submitted without complete and required information shall not be processed until all required information has been
19 submitted. Incomplete applications shall be returned to the licensee with deficiency in the application so noted. The
20 following is required for the renewal application:

21 (1) full name, physical address, mailing address, date of birth, and signature of the licensee.

22 (2) a statement from the licensee that the information and supporting documentation submitted with the
23 application is true and correct.

24 (3) current and valid picture identification of the licensee. Acceptable forms of picture identification
25 are state driver's license, state identification card issued by the Division of Motor Vehicles, military
26 identification card, resident alien card (green card), or passport; or if purchased by mail, a copy
27 thereof.

28 (4) the information required in Rule .0101(c)(4) through (c)(8) of this Section, if changed since last
29 issuance of the license, endorsement, or Commercial Fishing Vessel Registration.

30 (5) the information required in Rule .0101(e)(1) of this Section, if the linear length of the Ocean Fishing
31 Pier has changed.

32 (6) a valid Permit and Certificate of Compliance from the Division's Shellfish Sanitation and
33 Recreational Water Quality Section, if renewing a Fish Dealer License with clam or oyster
34 categories or a consolidated license.

35 (7) certification that all information on the application is true and accurate. Notarization of the signature
36 on renewal applications shall not be required.

1 The Division may require current copies of documentation for licenses, endorsements, and Commercial Fishing Vessel
2 Registrations upon renewal when necessary to verify inconsistent information or the information cannot be verified
3 by independent sources.

4
5 *History Note: Authority G.S. 113-134; 113-168; ~~113-168.4~~; 113-168.1-6; 113-169.2-5; 113-171.1; 113-174.3;*
6 *113-182; 143B-289.52;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. March 1, 1994;*
9 *Temporary Amendment Eff. July 1, 1999;*
10 *Amended Eff. April 1, 2020; December 1, 2006; August 1, 2000;*
11 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0103

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 (a), lines 7-8, please define the terms "buy vessel, run vessel, purse vessel".

In (a), line 8, "except as specified" where?

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

1 15A NCAC 03O .0103 is readopted as published in 36:07 NCR 486 as follows:

2
3 **15A NCAC 03O .0103 AUXILIARY VESSELS**

4 (a) ~~Buy boats, run boats, purse boats or any other vessels used in conjunction with commercial fishing operations,~~
5 ~~except vessels without motors used in connection with other vessels with commercial fishing vessel registrations, shall~~
6 ~~have a commercial fishing vessel registration.~~ It shall be unlawful to fail to comply with Commercial Fishing Vessel
7 Registration requirements set forth in G.S. 113-168.6 to operate a buy vessel, run vessel, purse vessel, or any other
8 vessel used in conjunction with a commercial fishing operation, except as specified.

9 (b) ~~A person~~ An individual in command of a vessel that is auxiliary to a vessel with a ~~commercial fishing vessel~~
10 ~~registration~~ Commercial Fishing Vessel Registration with a ~~person~~ an individual aboard who holds a Standard
11 Commercial Fishing License or a Retired Standard Commercial Fishing License engaged in a commercial fishing
12 operation using a pound net, ~~long haul,~~ long haul, or beach seine or ~~purse seine~~ is exempt from the provisions of G.S.
13 113-168.2 (a1).

14
15 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-168.6; ~~113-169;~~ 113-182; 143B-*
16 *289.52;*
17 *Eff. January 1, 1991;*
18 *Temporary Amendment Eff. July 1, 1999;*
19 *Amended Eff. August 1, 2000;*
20 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0104 is readopted as published in 36:07 NCR 486 as follows:

2
3 **15A NCAC 03O .0104 COMMERCIAL UNLOADING OF FISH**

4 It ~~is~~ shall be unlawful to unload fish from a vessel in North Carolina ~~which~~ that has been engaged in a commercial
5 fishing operation outside ~~state~~ State waters without possessing a valid:

- 6 (1) Standard or Retired Standard Commercial Fishing ~~Licenses; or~~ License with applicable
7 endorsement;
8 (2) ~~Menhaden License for Nonresidents Without a Standard Commercial Fishing License; or~~
9 (3)(2) Shellfish License for North Carolina Residents without a Standard Commercial Fishing
10 ~~Licenses;~~ License; or
11 (4)(3) Land or Sell License.

12
13 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.4; ~~113-169; 113-169.5; 113-182; 143B-~~*
14 *289.52;*
15 *Eff. January 1, 1991;*
16 *Temporary Amendment Eff. July 1, 1999;*
17 *Amended Eff. August 1, 2000;*
18 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .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 changes be made:

On lines 11-12, I am not sure I understand the reference to 03O .0101, as I don't see anything describing the Permit and Certificate of Compliance in that Rule.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0105 is readopted as published in 36:07 NCR 486 as follows:

2
3 **15A NCAC 03O .0105 REQUIREMENTS FOR BAIT AND MUSSEL DEALERS**

4 ~~(a) Persons dealing in minnows, live shrimp, or both minnows and live shrimp for bait purposes, who are subject to~~
5 ~~licensing requirements under G.S. 113-169.3 are required to purchase only the license applicable to finfish dealers. A~~
6 ~~bona fide dealer in shrimp, licensed under the provisions of G.S. 113-169.3, may, however, deal in minnows as well~~
7 ~~as live shrimp for bait purposes, as an incident of his operations under his shrimp dealer's license.~~

8 ~~(b) Persons dealing in mussels who are subject to licensing requirements under the provisions of G.S. 113-169.3 are~~
9 ~~shall be required to purchase only the license applicable to clam dealers and meet the shellfish dealer certification~~
10 ~~requirements in 15A NCAC 03O .0101(a)(11). shall be required to hold a valid Permit and Certificate of Compliance~~
11 ~~from the Division of Marine Fisheries Shellfish Sanitation and Recreational Water Quality Section, as described in~~
12 ~~Rule .0101 of this Section.~~

13
14 *History Note: Authority G.S. 113-134; 113-169.3; 113-182; 143B-289.52;*
15 *Eff. January 1, 1991;*
16 *Temporary Amendment Eff. July 1, 1999;*
17 *Amended Eff. August 1, 2004; August 1, 2000;*
18 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0107 is readopted as published in 36:07 NCR 486-487 as follows:

2
3 **15A NCAC 03O .0107 ~~LOST~~-LICENSE REPLACEMENT AND FEES**

4 ~~(a) Lost licenses except Blanket Coastal Recreational Fishing Licenses, endorsements, and commercial fishing vessel~~
5 ~~registration decals may be replaced upon payment of a fee of ten dollars (\$10.00) or a fee equal to the initial cost of~~
6 ~~the license, endorsement, or commercial fishing vessel registration, whichever is less.~~ A licensee shall receive a
7 replacement for a commercial license, endorsement, Commercial Fishing Vessel Registration decal, or Recreational
8 Commercial Gear License upon payment to the Division of Marine Fisheries a fee of ten dollars (\$10.00) or a fee
9 equal to the initial cost of the license, endorsement, or Commercial Fishing Vessel Registration, whichever is less.

10 ~~(b) The replacement fee for the Blanket Coastal Recreational Fishing Licenses is five dollars (\$5.00).~~ A licensee shall
11 receive a replacement Coastal Recreational Fishing License or a for-hire license as defined in G.S. 113-174.3 upon
12 payment to the Division of Marine Fisheries a fee of five dollars (\$5.00).

13
14 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.6; 113-169.4; 113-173; 113-174.1; 113-174.2; 113-*
15 *174.3; 113-182; 143B-289.52;*
16 *Eff. January 1, 1991;*
17 *Temporary Amendment Eff. July 1, 1999;*
18 *Amended Eff. December 1, 2006; August 1, 2000;*
19 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0109

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 the History Note, I believe a reference to G.S. 113-135 and 113-187 may be useful with respect to various provisions of this Rule that define unlawful behavior that isn't directly made unlawful in the other statutes cited here.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0109 is readopted as published in 36:07 NCR 487 as follows:

2
3 **15A NCAC 03O .0109 ASSIGNMENT OF ~~SCFL~~ STANDARD COMMERCIAL FISHING LICENSE**

4 (a) For the purpose of this Rule, "licensee" shall mean the person issued a Standard Commercial Fishing License and
5 "assignee" shall mean the individual to whom the licensee assigns a Standard Commercial Fishing License in
6 accordance with the requirements of this Rule.

7 ~~(a)(b)~~ The Division of Marine Fisheries shall provide assignment forms to the licensee upon issuance of the Standard
8 Commercial Fishing License. ~~request. Assignment must be made on the Only~~ Division assignment forms. ~~forms shall~~
9 ~~be used to obtain an assignment.~~ On the assignment form, the ~~Standard Commercial Fishing License holder must~~
10 ~~licensee shall~~ designate what, if any, endorsements are included in the assignment. Endorsements ~~may shall~~ not be
11 assigned independent of the Standard Commercial Fishing License. It ~~is shall be~~ unlawful for the ~~Standard Commercial~~
12 ~~Fishing License holder licensee or the assignee~~ to fail to submit within five days the completed assignment form to
13 any office of the Division in person or by mail to the Morehead City ~~Division~~ Office. The Morehead City Office is
14 located at 3441 Arendell Street, Morehead City, North Carolina, 28557. If the completed assignment form is not
15 received by the Division within five days from the date it was signed, the assignment shall be null and void. Incomplete
16 forms shall be returned to the licensee with deficiency in the form so noted. An assignment is in effect from the date
17 specified on the assignment form and when:

- 18 (1) the assignment form is properly completed; complete with all required information;
19 (2) signatures of the current license holder and the assignee are notarized; and
20 (3) the assignee has in their the assignee's possession the current licensee's original actual Standard
21 Commercial Fishing License with License, including applicable endorsements of the current license
22 holder in accordance with G.S. 113-169.2.

23 (c) For an extension of time for assignments, a new assignment form shall be completed in accordance with
24 Subparagraphs (b)(1) through (b)(3) of this Rule.

25 ~~(b)(d)~~ Assignments ~~terminate when shall terminate:~~

- 26 (1) when the date specified on the assignment form is reached; ~~or~~
27 (2) if the licensee or assignee are determined ineligible for a license or assignment; ~~or~~
28 (3) if the Division receives a notarized statement from the current license holder stating a revised date
29 for an earlier assignment termination; ~~or~~
30 (4) upon the licensee or assignee's death; or
31 (5) when the Standard Commercial Fishing License expires.

32 ~~If the properly completely assignment form is not received by the Division within five days from the date it was~~
33 ~~signed, the assignment is null and void. For an extension of time for assignments, a new assignment form must be~~
34 ~~completed in accordance with Subparagraphs (a)(1) – (3) of this Rule.~~

35 ~~(e)(e)~~ It ~~is shall be~~ unlawful for an individual assigned a Standard Commercial Fishing License ~~to fail to have available~~
36 ~~ready at hand for inspection all required documents as stated under G.S. 113-168.1. The assignee when involved in a~~
37 ~~commercial fishing operation must to fail to~~ have the original actual Standard Commercial Fishing License ~~and~~

1 ~~License, any assigned endorsements~~ endorsements, and a copy of the assignment form in ~~their~~ the individual's
2 possession ready at hand for ~~inspection~~ inspection in accordance with G.S. 113-168.1.

3 ~~(d)(f)~~ All landings occurring during the time of the assignment shall be credited to the ~~Standard Commercial Fishing~~
4 ~~License holder, licensee,~~ not the assignee.

5 ~~(e)(g)~~ It ~~is~~ shall be unlawful to be assigned more than a single Standard Commercial Fishing License at any one time.
6 It ~~is~~ shall be unlawful to assign a Standard Commercial Fishing License to more than one individual at any one time.
7 Assignments ~~may~~ shall only be made by the ~~person issued the Standard Commercial Fishing License~~ licensee and
8 ~~may~~ shall not be further assigned by assignees. Masters identified on the Standard Commercial Fishing Licenses of
9 corporations consisting of an individual fishing vessel ~~may~~ shall not assign such licenses.

10 ~~(f)(h)~~ It ~~is~~ shall be unlawful for a person to accept assignment of a Standard Commercial Fishing License for which
11 they are ineligible.

12 ~~(g)~~ Assignments submitted without complete and required information shall be deemed not in effect and shall not be
13 considered further until resubmitted with all required information.

14 ~~(h)(i)~~ It ~~is~~ shall be unlawful for any assignee of a Standard Commercial Fishing License not to return the assignment
15 and the Standard Commercial Fishing License with any assigned endorsements to the ~~assignor of that license~~ licensee
16 within five days of notice that the assignment has been terminated or a demand by the ~~assignor~~ licensee to return the
17 license.

18
19 *History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-168.5; 113-169.2; 113-182; 143B-289.52;*
20 *Eff. January 1, 1991;*
21 *Temporary Amendment Eff. October 2, 1999; July 1, 1999;*
22 *Amended Eff. August 1, 2000;*
23 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0110 is readopted as published in 36:07 NCR 487 as follows:

2
3 **15A NCAC 03O .0110 LICENSE REFUNDS**

4 All license fees are non-refundable except ~~when~~if licenses are issued by the Division of Marine Fisheries in error.

5
6 *History Note: Authority G.S. 113-134; ~~113-168.1; 113-173; 113-182;~~ 143B-289.52; 147-84; ~~1993 (Regular~~
7 ~~*Session 1994), c. 576, s. 3;*~~
8 *Eff. March 1, 1995;*
9 *Temporary Amendment Eff. July 1, 1999;*
10 *Amended Eff. August 1, 2000;*
11 *Readopted Eff. May 1, 2022.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0111

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 the History Note, please cite to the portions of the G.S. where S.L. 2010-145 was codified, if possible.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0111 is readopted as published in 36:07 NCR 488 as follows:

2
3 **15A NCAC 03O .0111 SURRENDER OF LICENSES**

4 (a) It ~~is~~ shall be unlawful for any licensee to refuse to surrender to an agent of the Secretary all licenses, license
5 receipts, endorsements, commercial fishing vessel registration or decals, and other forms and records relating to the
6 license following service of notice of suspension or revocation of licenses in accordance with G.S. ~~413-171~~, 113-171
7 and Rule .0114 of this Section.

8 (b) It ~~is~~ shall be unlawful for any person in custody or possession of any licenses, license receipt, endorsements,
9 commercial fishing vessel registration or decals, and other documentation required to be surrendered to refuse to
10 surrender same to an agent of the Secretary making such demand.

11 (c) A license issued by the Division in error shall be required to be surrendered immediately upon service of a notice
12 by an agent of the Fisheries Director to surrender the license.

13
14 *History Note: Authority G.S. 113-134; 113-171; 113-182; 143B-289.52; S.L. 2010-145;*
15 *Temporary Adoption Eff. July 1, 1999;*
16 *Eff. August 1, 2000;*
17 *Amended Eff. October 1, 2012;*
18 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0113

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:

Where is your statutory authority for these reporting requirements? Is it G.S. 113-170.3?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0113 is readopted as published in 36:07 NCR 488 as follows:

2
3 **15A NCAC 03O .0113 OCEAN FISHING PIER REPORTING REQUIREMENTS**

4 It ~~is~~ shall be unlawful for the responsible party of the Ocean Fishing Pier License to fail to provide to the Division of
5 Marine Fisheries by the 10th of each month a daily count of anglers fishing from the licensed pier from the previous
6 month, including a daily count of zero for days when anglers did not fish. The information shall be submitted on a
7 paper form provided by the Division or via electronic mail to the electronic mail address provided at the time of license
8 ~~application-issuance.~~

9
10 *History Note: Authority G.S. 113-134; 113-169.4; 113-174.1; 113-182; 143B-289.52;*
11 *Eff. April 1, 2011;*
12 *Amended Eff. May 1, 2015;*
13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0114

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 (b), lines 6-7, where is your statutory authority to suspend or revoke licenses for violations of Chapter 14? G.S. 113-171 defines convictions as being for "criminal offense[s] within the jurisdiction of the Department under the provisions of this Subchapter (Subchapter IV of Chapter 113)...."

In (f), p.2, line 6, how is the licensee to demonstrate that he or she will "conduct the operations for which the license is sought in accordance with all applicable laws and rules"?

In (g), line 12, where is your statutory authority for this? What are the penalties associated with violation of (g)?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0114 is readopted as published in 36:07 NCR 488-489 as follows:

2
3 **15A NCAC 03O .0114 SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES**

4 (a) All commercial and recreational licenses issued under Article 14A, Article 14B, and Article 25A of Chapter 113
5 shall be subject to suspension and revocation.

6 (b) A conviction resulting from being charged by an inspector under G.S. 14-32, 14-33, 14-72, or 14-399 shall be
7 deemed a conviction for the purposes of license suspension or revocation.

8 (c) Upon receipt of notice of a licensee's conviction as specified in G.S. 113-171 or a conviction as specified in
9 Paragraph (b) of this Rule, the Fisheries Director shall determine whether it is a first, second, third, fourth, or
10 subsequent conviction. Where several convictions result from a single transaction or occurrence, the convictions shall
11 be treated as a single conviction for the purposes of license suspension or revocation. For a second conviction, the
12 Fisheries Director shall suspend all licenses issued to the licensee for a period of 30 days; for a third conviction, the
13 Fisheries Director shall suspend all licenses issued to the licensee for a period of 90 days; for a fourth or subsequent
14 conviction, the Fisheries Director shall revoke all licenses issued to the licensee, except:

15 (1) for a felony conviction under G.S. 14-399, the Fisheries Director shall suspend all licenses issued
16 to the licensee for a period of one year;

17 (2) for a first conviction under G.S. 113-187(d)(1), the Fisheries Director shall suspend all licenses
18 issued to the licensee for a period of one year; for a second or subsequent conviction under G.S.
19 113-187(d)(1), the Fisheries Director shall revoke all licenses issued to the licensee;

20 (3) for a conviction under G.S. 14-72, 113-208, 113-209, 113-268, or 113-269, the Fisheries Director
21 shall revoke all licenses issued to the licensee; and

22 (4) for a conviction under G.S. 14-32 or 14-33, if the offense was committed against a marine fisheries
23 inspector, the Fisheries Director shall revoke all licenses issued to the licensee and the former
24 licensee shall not be eligible to apply for reinstatement of a revoked license or for any additional
25 license authorized in Article 14A, Article 14B, or Article 25A of Chapter 113 for a period of two
26 years.

27 (d) After the Fisheries Director determines that a conviction requires a suspension or revocation of the licenses of a
28 licensee, the Fisheries Director shall cause the licensee to be served with written notice of suspension or revocation.
29 If the licensee is not an individual, the written notice shall be served upon any responsible individual affiliated with
30 the corporation, partnership, or association. The notice of suspension or revocation shall be served by an inspector or
31 other agent of the Department or by certified mail, shall state the ground upon which it is based, and shall take effect
32 immediately upon service. The agent of the Fisheries Director making service shall collect all license certificates and
33 plates and other forms or records relating to the license as directed by the Fisheries Director. Upon service of a notice
34 of suspension or revocation of a license, it shall be unlawful to fail to surrender any license so suspended or revoked.

35 (e) If a license has been suspended, the former licensee shall not be eligible to apply for reissuance of license or for
36 any additional license authorized in Article 14A, Article 14B, or Article 25A of Chapter 113 during the suspension

1 period. Licenses shall be returned to the licensee by the Fisheries Director or the Director's agents at the end of a
2 period of suspension.

3 (f) Where a license has been revoked, the former licensee shall not be eligible to apply for reinstatement of a revoked
4 license or for any additional license authorized in Article 14A, Article 14B and Article 25A of Chapter 113 for a
5 period of one year, except as provided in Subparagraph (c)(4) of this Rule. For a request for reinstatement following
6 revocation, the former licensee shall demonstrate in the request that the licensee will conduct the operations for which
7 the license is sought in ~~accord~~accordance with all applicable laws and rules, shall submit the request in writing, and
8 shall ~~send-mail~~ the request to the Fisheries Director, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box
9 769, Morehead City, NC 28557. Upon the application of an eligible former licensee after revocation, the Fisheries
10 Director may issue one license sought but not another, as necessary to prevent the hazard of recurring violations of
11 the law.

12 (g) ~~A licensee shall not willfully~~ It shall be unlawful to evade the service prescribed in this Rule.

13
14 *History Note: Authority G.S. 113-134; 113-168.1; 113-171; 113-182; 143B-289.52; S.L. 2010-145;*
15 *Eff. October 1, 2012;*
16 *Amended Eff. May 1, 2017;*
17 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0203 is readopted as published in 36:07 NCR 489 as follows:

2
3 **15A NCAC 03O .0203 SHELLFISH LEASE APPLICATION PROCESSING**

4 (a) ~~Upon~~ After acceptance of a completed ~~application~~, shellfish lease application as set forth in Rule .0202 of this
5 ~~Section~~, the proposed shellfish lease area shall be inspected by agents of the ~~Division~~. Division of Marine Fisheries.
6 Proposed shellfish lease areas inconsistent with applicable standards contained or referenced in ~~15A NCAC 3O .0204~~
7 Rule .0201 of this Section shall result in the return of ~~applications~~ the application for amendment to remove the
8 inconsistencies. If the boundaries of the proposed shellfish lease area are modified, the stakes identifying such areas
9 shall be relocated accordingly by the ~~applicant~~ applicant or applicants. The failure of the applicant or applicants to
10 amend ~~applications~~ the application or modify the shellfish lease area identification, when required, within 30 days of
11 notification shall result in denial of ~~such applications~~ the application.

12 (b) If the initial or amended shellfish lease application is deemed consistent with all applicable requirements, the
13 Secretary or ~~his~~ the Secretary's designee shall notify the applicant and publish notices of intention to lease in
14 accordance with the standards in G.S. 113-202(f).

15 (c) The Secretary shall consider the shellfish lease application, the Division's proposed lease area analysis, and public
16 comments, and may in ~~his~~ the Secretary's discretion lease or decline to lease the proposed lease area or any part thereof.
17 Special conditions may be imposed so that shellfish leases may be issued ~~which that~~ would otherwise be denied.
18 Should an applicant decide not to accept any special condition imposed on the shellfish lease by the Secretary, the
19 application shall be considered denied.

20 (d) ~~Upon~~ After approval of ~~leases~~ a shellfish lease by the Secretary, the applicant or applicants shall mark the ~~shellfish~~
21 ~~bottom leases~~ lease in accordance with Rule .0204 of this Section within 30 days of approval. ~~15A NCAC 3O~~
22 ~~.0204(a)(1), water column leases in accordance with 15A NCAC 3O .0204(a)(2), and shall within 90 days submit to~~
23 ~~the Division acceptable surveys of the areas approved for leasing except that a water column lease which entirely~~
24 ~~covers a shellfish bottom lease or franchise with an accepted survey on file does not require another survey. Such~~
25 ~~surveys shall be made at the expense of applicants and must meet the following standards:~~

26 (1) ~~Surveys and maps shall meet all the requirements of 21 NCAC 56 .1600, Standards of Practice for~~
27 ~~Land Surveying in North Carolina, which is hereby incorporated by reference including subsequent~~
28 ~~amendments and editions. This material is available for inspection and copies may be obtained from~~
29 ~~the Marine Fisheries Division, Marine Fisheries Building, 3441 Arendell St., P.O. Box 769,~~
30 ~~Morehead City, North Carolina 28557, at no cost.~~

31 (2) ~~Maps shall bear the certificate:~~

32 "I _____ certify that this map was (drawn by me) (drawn under my
33 supervision) from (an actual survey made by me) (an actual survey made under my supervision);
34 that the error of closure as calculated by latitudes and departures is 1: _____, that the area
35 is _____ acres. Witness my hand and seal this _____ day of _____ AD
36 _____."
37 _____

Surveyor or Engineer

~~(3) The phrase "other appropriate natural monuments or landmarks" in 21 NCAC 56 .1604(e)(9) shall include bridges, roads, highways, intersections, publicly maintained aids to navigation, houses and other permanent buildings, radio, telephone, TV, and water towers; docks; piers, and bulkheads; but does not include stakes marking the boundaries of adjoining leases, points of marsh, junctions of streams, or other landmarks which are particularly subject to change through natural processes, storms, or the effect of man.~~

~~(4) A written description of the survey suitable for official documents shall be provided with the survey.~~

~~(5) Locations of all corner markers in latitude and longitude shall be provided with the survey and presented in an eight digit format. The relative accuracy of the corner marker locations shall be equal to or less than two meters. Information on the method of measurement, make and model of equipment, and coordinate system used to determine the latitude and longitude shall be included.~~

(e) Proposed shellfish bottom lease areas remain public bottom until a lease contract has been executed by the Secretary.

(f) Proposed shellfish water column lease areas superjacent to ~~shellfish~~ bottom leases and ~~recognized perpetual~~ franchises remain public water until a lease contract has been executed by the Secretary.

*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206; 143B-289.52;
Eff. January 1, 1991;
Amended Eff. October 1, 2008; March 1, 1994; September 1, 1991;
Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0205 is readopted as published in 36:07 NCR 489-490 as follows:

2
3 **15A NCAC 03O .0205 SHELLFISH LEASE RENEWAL**

4 (a) ~~Lease-Shellfish lease~~ renewal applications shall be provided to ~~lessees-lease holders~~ by the Division of Marine
5 Fisheries as follows:

6 (1) ~~For-for a shellfish bottom leases,-lease, a renewal applications-application~~ shall be provided in
7 January of the year of expiration.

8 (2) ~~For-for a shellfish water column leases,-lease, a renewal applications-application~~ shall be provided
9 at least 90 days prior to ~~the expiration dates- date~~.

10 (b) ~~Lease-A shellfish lease~~ renewal ~~applications-application~~ shall be accompanied by ~~management plans meeting a~~
11 Shellfish Lease Management Plan that meets the requirements of ~~15A NCAC 03O .0202(b)-Rule .0202 of this Section~~.
12 The non-refundable filing fee set forth in G.S. 113-202(j) shall accompany each renewal application for a shellfish
13 bottom leases- lease.

14 (c) ~~A survey for renewal leases shall be required at the applicant's expense when the Division determines that the area~~
15 ~~leased to the renewal applicant is inconsistent with the survey on file.~~

16 (c) To be eligible to renew a shellfish lease, persons holding any acres under a shellfish lease or franchise shall meet
17 the requirements established in Rules .0201 and .0204 of this Section and 15A NCAC 03O .0503(a).

18 (d) ~~When-If~~ it is determined, after due notice to the ~~lessee,-shellfish lease holder~~ and after opportunity for the ~~lessee~~
19 ~~lease holder~~ to be heard, that the ~~lessee-lease holder~~ has not complied with the requirements of this Section or that the
20 lease as issued is inconsistent with this Section, the Secretary may decline to renew, at the end of the current terms,
21 any ~~shellfish bottom or water column-lease~~. The ~~lessee-shellfish lease holder~~ may appeal the Secretary's decision by
22 initiating filing a petition for a contested case as outlined in 15A NCAC 03P .0102-under G.S. 150B-23.

23 (e) Pursuant to G.S. 113-202(a)(6), the Secretary is not authorized to ~~recommend approval of approve~~ renewal of a
24 shellfish lease in an area ~~closed to shellfishing by reason of pollution-designated as polluted by a proclamation issued~~
25 ~~by the Fisheries Director. Excluded from this requirement are shellfish leases located in conditionally approved waters~~
26 ~~that have been temporarily closed when the conditions of the written management plan are not met as described in~~
27 15A NCAC 18A .0905. Shellfish leases partially closed due to pollution must shall be amended to exclude the area
28 closed to shellfishing-shellfish harvest prior to renewal. For purposes of lease renewal determinations, an area shall
29 be considered closed to shellfish harvest by reason of pollution when the area has been classified by the State Health
30 Director as prohibited or has been closed for more than 50 percent of the days during the final four years prior to
31 renewal except shellfish leases in areas which have been closed for more than 50 percent of the days during the final
32 four years prior to renewal and continue to meet established production requirements by sale of shellfish through relay
33 periods or other depuration methods shall not be considered closed due to pollution for renewal purposes.

34 (f) If the Secretary declines to renew a shellfish lease that has been determined to be inconsistent with the standards
35 of this Section, the Secretary, with the agreement of the ~~lessee,-lease holder~~, may issue a renewal lease for all or part
36 of the area previously leased to the ~~lessee-lease holder~~ that contains conditions necessary to conform the renewal lease
37 to the requirements of this Section for new leases.

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*History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206;
143B-289.52;
Eff. January 1, 1991;
Amended Eff. September 1, 2005; May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992;
September 1, 1991;
Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0206

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 (b), line 17, what supporting documentation is necessary?

In (b), line 21, are the contents of the form specified elsewhere in another Rule or statute? If not, please describe them here.

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

1 15A NCAC 03O .0206 is readopted as published in 36:07 NCR 490 as follows:

2
3 **15A NCAC 03O .0206 ~~LEASE PROTEST SHELLFISH LEASE APPLICATION: REQUEST FOR~~**
4 **REVIEW**

5 ~~(a) Should any person object to the granting of any initial or renewal lease, he has the right to protest its issuance~~
6 ~~prior to the granting of the lease by the Secretary. The protestant may file a sworn statement of protest with the~~
7 ~~Division stating the grounds for protest. The Secretary shall notify both the prospective lessee and the protestant upon~~
8 ~~receipt of a protest, and shall conduct such investigation as he deems necessary, and shall notify both parties of the~~
9 ~~outcome of his investigation. Protestants or applicants receiving an adverse recommendation on the lease application~~
10 ~~from the Secretary may appeal this decision as outlined in G.S. 113-202(g).~~

11 ~~(b)(a)~~ Any member of the public shall be allowed an opportunity to comment on any shellfish lease application during
12 the public comment period and subsequent public hearing at which the lease application is being considered by the
13 ~~Secretary.~~ Secretary as set forth in G.S. 113-202.

14 (b) Procedures for how an applicant or a person other than the applicant who is aggrieved may proceed with a
15 contested case based on dissatisfaction of the Secretary's decision on a shellfish lease application are provided in G.S.
16 113-202(g). Additionally, a person other than the applicant who is aggrieved may submit a request for a determination
17 of the appropriateness of a contested case hearing. The request and any supporting documentation for the basis of the
18 aggrieved person seeking to commence a contested case shall be submitted within 30 days after the disputed decision
19 is made to the Shellfish Cultivation Lease Review Committee and addressed to the Marine Fisheries Commission
20 Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557. The request
21 shall be submitted on a form provided by the Division.

22 (c) The Shellfish Lease Review Committee shall notify the aggrieved person of the date of the public meeting for the
23 Committee to consider the request no later than seven calendar days before the date of the public meeting.

24
25 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 143B-289.52;*
26 *Eff. January 1, 1991;*
27 *Amended Eff. March 1, 1994; September 1, 1991;*
28 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0207

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 (a), line 10, what supporting documentation is required?

In (b) and (c), the Rule references a reporting form and "all required fields." Are the contents of this form adequately described in (a)? If there are other "required fields" other than "the amounts of material planted, purchased, and harvested," please specify what the required fields are.

In your History Note, why have you added the reference to G.S. 113-206? It doesn't appear to touch on production reports or termination of a lease.

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

1 15A NCAC 03O .0207 is readopted as published in 36:07 NCR 490 as follows:

2
3 **15A NCAC 03O .0207 SHELLFISH LEASE AND FRANCHISE PRODUCTION REPORTS**

4 (a) ~~The owners of shellfish leases and franchises.~~ The holder or holders of a shellfish lease or franchise shall provide
5 an annual production reports report to the Division of Marine Fisheries by March 31 of each year showing the amounts
6 of material planted-planted, purchased, and harvested in connection with management for commercial production.
7 ~~Reporting forms will be provided to owners of shellfish bottom leases and recognized franchises during the period~~
8 ~~that annual notices of rent due are provided to owners of shellfish bottom leases in accordance with G.S. 113-202(j).~~
9 ~~Reporting forms will be provided to owners of water column leases prior to each annual anniversary date in accordance~~
10 with Rules .0201 and .0202 of this Section. The report shall include supporting documentation with evidence of
11 purchased seed in accordance with Rule .0201 of this Section.

12 (b) The Division shall provide reporting forms annually to each shellfish lease or franchise holder to be used for the
13 annual production report.

14 ~~(b)(c) Failure to furnish by the holder or holders of the shellfish lease or franchise to submit the required annual~~
15 ~~production report, correct and in detail requested, report with all required fields completed, or filing a report containing~~
16 ~~false information, can constitute information constitutes grounds for termination-termination as set forth in Rule .0208~~
17 of this Section.

18
19 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-206;*
20 *143B-289.52;*
21 *Eff. January 1, 1991;*
22 *Amended Eff. September 1, 1991;*
23 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0208

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 (b), line 24, what are you extending? Is this an extension of the ten-year lease period, or a period of forbearance on termination of the lease under G.S. 113-202?

Is there statutory authority for a hardship extension to the lease? G.S. 113-202(j) states that the initial lease shall be for 10 years, and that "Renewal leases are issued for a period of 10 years from the time of expiration of the previous lease."

In your History Note, why have you included the references to G.S. 113-205 and 113-206?

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

1 15A NCAC 03O .0208 is readopted as published in 36:07 NCR 491 as follows:

2
3 **15A NCAC 03O .0208 ~~TERMINATION OF PROCEDURES FOR SHELLFISH BOTTOM LEASES AND~~**
4 **~~FRANCHISES AND WATER COLUMN LEASES~~**

5 (a) Procedures for termination of shellfish ~~leaseholds~~ leases and franchises are provided in G.S. 113-202. ~~An appeal~~
6 ~~of the Secretary's decision to terminate a leasehold is governed by G.S. 150B-23.~~

7 ~~(b) Substantial breach of compliance with the provisions of rules of the Marine Fisheries Commission governing use~~
8 ~~of the leasehold includes the following, except as provided in Paragraph (c) of this Rule:~~

- 9 (1) ~~failure to meet shellfish production and marketing requirements for bottom leases or franchises in~~
10 ~~accordance with Rule .0201 of this Section;~~
11 (2) ~~failure to maintain a planting effort of cultch or seed shellfish for bottom leases or franchises in~~
12 ~~accordance with Rule .0201 of this Section;~~
13 (3) ~~failure either to meet shellfish production and marketing requirements or to maintain a planting~~
14 ~~effort of cultch or seed shellfish for water column leases in accordance with Rule .0201 of this~~
15 ~~Section;~~
16 (4) ~~the Fisheries Director has cause to believe the holder of private shellfish bottom or franchise rights~~
17 ~~has encroached or usurped the legal rights of the public to access public trust resources in navigable~~
18 ~~waters, in accordance with G.S. 113-205 and Rule .0204 of this Section; and~~
19 (5) ~~the Attorney General initiates action for the purpose of vacating or annulling letters patent granted~~
20 ~~by the State, in accordance with G.S. 146-63.~~

21 ~~(c)(b)~~ Consistent with G.S. 113-202(11) and G.S. 113-201(b), a ~~leaseholder~~ shellfish lease or franchise holder that
22 failed to meet the requirements in G.S. 113-202, G.S. 113-202.1, G.S. 113-202.2, Rule .0201 or the rules of this
23 Section or this Rule that govern a determination of failure to utilize the lease on a continuing basis for the commercial
24 production of shellfish may be granted a single extension period of no more than two years per contract period upon
25 a showing of hardship by written notice to the Fisheries Director ~~his or her~~ or the Fisheries Director's designee received
26 prior to the expiration of the lease term that documents one of the following occurrences caused or will cause the
27 ~~leaseholder lease or franchise holder~~ to fail to meet lease requirements:

- 28 (1) death, illness, or incapacity of the ~~leaseholder~~ shellfish lease or franchise holder or ~~his~~ the holder's
29 immediate family as defined in G.S. 113-168 that prevented or will prevent the ~~leaseholder lease or~~
30 franchise holder from working the lease;
31 (2) damage to the shellfish lease or franchise from hurricanes, tropical storms, or other severe weather
32 events recognized by the National Weather Service;
33 (3) shellfish mortality caused by disease, natural predators, or parasites; or
34 (4) damage to the shellfish lease or franchise from a manmade disaster that triggers a state emergency
35 declaration or federal emergency declaration.

36 ~~(d)(c)~~ In the case of hardship as described in Paragraph (b) of this Rule, the notice shall state the shellfish lease or
37 franchise number. In the case of hardship as described in Subparagraph ~~(c)(1)~~ (b)(1) of this Rule, the notice shall also

1 state the name of the ~~leaseholder~~ shellfish lease or franchise holder or immediate family member and either the date
2 of death or the date ~~and nature~~ of the illness or incapacity. The Fisheries Director may require a doctor's verification
3 that the illness or incapacity occurred. In the case of hardship as described in Subparagraphs (b)(2) through (b)(4) of
4 this Rule, the notice shall also include documentation of damage to the shellfish lease or franchise. Written notice and
5 supporting documentation shall be addressed to the Director of the Division of Marine Fisheries, 3441 Arendell St.,
6 Street, P.O. Box 769, Morehead City, NC 28557.

7
8 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206;*
9 *143B-289.52;*
10 *Eff. January 1, 1991;*
11 *Amended Eff. May 1, 1997; March 1, 1995; March 1, 1994; October 1, 1992; September 1, 1991;*
12 *Temporary Amendment Eff. January 1, 2002; October 1, 2001;*
13 *Amended Eff. May 1, 2017; April 1, 2003;*
14 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0209

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 (b), lines 16-18, where is your statutory authority for the requirements that the Division provide written consent to a transfer before it becomes effective and that the transfer be made only by the use of a form provided and approved by the Division? G.S. 113-202(k) states that leaseholds are treated as real property and are subject to laws relating to "sale... and the like." Moreover, 202(k) goes on to require only that transfer is not valid until the new owner notifies the Secretary.

With respect to the form referenced in (b), are the contents completely described in (c), or would the Division require any other information/documentation?

In (d), where is your statutory authority to limit the size of a transfer or sublease?

In (f), line 31, do you need to include a reference to 113-202.1(j), which also touches on transferability (or lack thereof) of certain water column leases?

In the History Note, why have you included the references to G.S. 113-205 and 113-206?

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

1 15A NCAC 03O .0209 is readopted as published in 36:07 NCR 491-492 as follows:

2
3 **15A NCAC 03O .0209 ~~TRANSFER OF INTEREST~~ ASSIGNMENT OF SHELLFISH LEASES AND**
4 **FRANCHISES**

5 (a) For the purpose of effecting assignments of shellfish leases or franchises in accordance with this Rule:

6 (1) "transfer" shall be defined as any permanent assignment of a shellfish lease or franchise, in whole
7 or in part.

8 (2) "sublease" shall be defined as any temporary assignment of a shellfish lease or franchise, in whole
9 or in part.

10 ~~(a) Within 30 days after transfer of ownership of all or any portion of interest in a shellfish lease or franchise, the new~~
11 ~~owner shall notify the Division, and provide the number of the lease or franchise and the county in which it is located.~~
12 ~~Such notification shall be accompanied by a management plan prepared by the new owner in accordance with 15A~~
13 ~~NCAC 03O .0202(b).~~

14 (b) No transfer or sublease of a shellfish lease or franchise, in whole or in part, shall be valid until notice is provided
15 to the Division of Marine Fisheries as provided in Article 16 of Chapter 113 of the North Carolina General Statutes
16 and the Division provides written consent in order to ensure that a transferee or sub-lessee meets the requirements of
17 the North Carolina General Statutes and Marine Fisheries Commission Rules. A transfer may only be made by the use
18 of a form provided and approved by the Division.

19 (c) Notice to transfer or sublease a shellfish lease or franchise shall include the shellfish lease or franchise number,
20 county in which the lease or franchise is located, and the name of the transferee or sub-lessee. The transferee or sub-
21 lessee of a shellfish lease shall provide to the Division the required Shellfish Lease Management Plan and proof of
22 completion of training requirements in accordance with Rule .0202 of this Section.

23 ~~(b)(d) If the new owner obtains a~~ The smallest ~~portion of an existing shellfish bottom lease or franchise, it shall not~~
24 ~~contain less than franchise to be transferred or subleased shall be one-half acre-acre, and the required notification to~~
25 ~~the Division shall be accompanied by a survey prepared in accordance with the standards in 15A NCAC 03O .0203(d).~~

26 ~~(e) Within six months after transfer of ownership, the new owner shall complete shellfish cultivation lease training~~
27 ~~as specified in 15A NCAC 03O .0202(d).~~

28 (e) A shellfish lease or franchise shall not be transferred or subleased to a nonresident of North Carolina in accordance
29 with G.S. 113-202, G.S. 113-202.1, G.S. 113-202.2, and G.S. 113-206.

30 ~~(d)(f) Water column leases are not transferrable except when the Secretary approves such transfer~~ A shellfish water
31 column lease shall only be transferred in accordance with G.S. 113-202.1(f) and G.S. 113-202.2(f).

32 ~~(e) In the event the transferee involved in a lease is a nonresident, the Secretary must initiate termination proceedings.~~

33
34 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-202.1; 113-202.2; 113-205; 113-206;*
35 *143B-289.52;*

36 *Eff. January 1, 1991;*

37 *Amended Eff. April 1, 2011; March 1, 1994; September 1, 1991;*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0210

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 your History Note, why have you included the reference to G.S. 113-205?

Also, do you need a reference to G.S. 113-202.2, given that it touches on perpetual franchises?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0210 is readopted as published in 36:07 NCR 492 as follows:

2
3 **15A NCAC 03O .0210 STANDARDS AND REQUIREMENTS FOR SHELLFISH FRANCHISES**

4 ~~(a) The resolution of claims filed under G.S. 113-205 is governed by standards in Departmental Rules 15A NCAC~~
5 ~~1G .0200 and .0300. Following receipt of notification that a claim has a valid chain of title, the owner shall provide~~
6 ~~to the Division within 90 days a survey prepared in accordance with the standards in 15A NCAC 03O .0203(d). Failure~~
7 ~~to provide the required survey within the time period specified will result in denial of the claim.~~

8 ~~(b)(a) Acceptable management plans, Shellfish Management Plans, prepared in accordance with the standards in 15A~~
9 ~~NCAC 03O .0202(b), Rule .0202 of this Section, shall be provided to the Division of Marine Fisheries within 30 days~~
10 ~~following formal recognition of a valid chain of title and at ten-year intervals thereafter.~~

11 ~~(c)(b) The survey and management plan Shellfish Management Plan requirements in Paragraphs (a) and (b) Paragraph~~
12 ~~(a) of this Rule, Rule and all other requirements and conditions of this Section affecting management of franchises,~~
13 ~~franchises shall apply to all valid shellfish franchises recognized prior to September 1, 1989 franchises.~~

14 ~~(d)(c) Commercial production requirements for franchises shall be identical to that required for shellfish bottom leases~~
15 ~~in 15A NCAC 03O .0201(e) accordance with Rules .0201 and .0207 of this Section averaged over the most recent~~
16 ~~three-year period after January 1 following the second anniversary of the dates of recognition of claims as valid~~
17 ~~shellfish franchises and continuing throughout the term of management plans Shellfish Management Plans required~~
18 ~~in Paragraph (b)(a) of this Rule. Annual reporting of commercial production shall be submitted upon receipt of forms~~
19 ~~provided by the Division for that purpose.~~

20
21 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-202; 113-205; 113-206; 143B-289.52;*

22 *Eff. January 1, 1991;*

23 *Amended Eff. October 1, 2008; September 1, 1991;*

24 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0211 is readopted as published in 36:07 NCR 492 as follows:

2
3 **15A NCAC 03O .0211 ~~PROTECTION OF PRIVATE SHELLFISH INTEREST~~ FISHING GEAR**
4 **REQUIREMENTS FOR SHELLFISH LEASES AND FRANCHISES**

5 ~~(a) It is shall be~~ unlawful to use any trawl net, long haul seine, swipe net, dredge, or mechanical method for ~~clams or~~
6 ~~oysters shellfish~~ on any shellfish lease or franchise ~~except: unless it has been duly authorized by the Fisheries Director~~
7 ~~as provided in 15A NCAC 3K .0206 and .0303.~~

8 (1) for a holder of a Permit to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises;
9 or

10 (2) for the purpose of placing and retrieving cages, bags, or other aquaculture gear within any shellfish
11 lease or franchise.

12 (b) Permits to Use Mechanical Methods for Shellfish on Shellfish Leases or Franchises shall be issued by the Division
13 of Marine Fisheries in compliance with 15A NCAC 03O .0500.

14
15 *History Note: Authority G.S. 113-134; 113-182; 113-201; 113-206; 143B-289.52;*

16 *Eff. October 1, 1992;*

17 *Amended Eff. August 1, 1998;*

18 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0301

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 (a), line 6, where is your statutory authority to limit the number of licenses a person can hold?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0301 is readopted as published in 36:07 NCR 492 as follows:

2
3 **SECTION .0300 – RECREATIONAL COMMERCIAL GEAR LICENSES**

4
5 **15A NCAC 03O .0301 ELIGIBILITY FOR RECREATIONAL COMMERCIAL GEAR LICENSES**

6 (a) It ~~is~~ shall be unlawful for any individual to hold more than one Recreational Commercial Gear License.

7 (b) Recreational Commercial Gear Licenses shall only be issued to individuals.

8
9 *History Note: Filed as a Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent*
10 *rule becomes effective, whichever is sooner;*

11 *Authority G.S. 113-134; ~~113-170.4~~; 113-173; 113-182; ~~113-221~~; 143B-289.52;*

12 *Eff. February 1, 1995;*

13 *Temporary Amendment Eff. July 1, 1999;*

14 *Amended Eff. August 1, 2000;*

15 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0302 is readopted as published in 36:07 NCR 492-493 as follows:

2
3 **15A NCAC 03O .0302 AUTHORIZED GEAR FOR RECREATIONAL COMMERCIAL GEAR**
4 **LICENSES**

5 (a) The following are the only commercial fishing gear authorized (including restrictions) for use under a valid
6 Recreational Commercial Gear License:

- 7 (1) ~~One one~~ seine 30 feet or over in length but not greater than 100 feet with a mesh length less than 2
8 ~~1/2 two and one-half~~ inches when deployed or retrieved without the use of a vessel or any other
9 mechanical methods. A vessel may be used only to transport the seine;
- 10 (2) ~~One one~~ shrimp trawl with a headrope not exceeding 26 feet in length per ~~vessel vessel~~;
- 11 (3) ~~With with~~ or without a vessel, five eel, fish, shrimp, or crab pots in any combination, except only
12 two pots of the five may be eel pots. Peeler pots are not authorized for recreational purposes;
- 13 (4) ~~One one~~ multiple hook or multiple bait trotline up to 100 feet in length;
- 14 (5) ~~Gill Nets~~ gill nets:
- 15 (A) ~~Not not~~ more than 100 yards of gill nets with a mesh length equal to or greater than ~~2 1/2~~
16 two and one-half inches except as provided in Part (C) of this Subparagraph. Attendance
17 ~~is shall be~~ required at all times;
- 18 (B) ~~Not not~~ more than 100 yards of gill nets with a mesh length equal to or greater than ~~5 1/2~~
19 five and one-half inches except as provided in Part (C) of this Subparagraph. Attendance
20 ~~is shall be~~ required when used from one hour after sunrise through one hour before sunset
21 in ~~internal coastal fishing waters~~ Internal Waters east and north of the Highway 58 Bridge
22 at Emerald Isle and in the Atlantic Ocean east and north of 77° 04.0000' W. Attendance ~~is~~
23 shall be required at all times in ~~internal coastal fishing waters~~ Internal Waters west and
24 south of the Highway 58 Bridge at Emerald Isle and in the Atlantic Ocean west and south
25 of 77° 04.0000' W; ~~and~~
- 26 (C) ~~Not not~~ more than 100 yards of gill net may be used at any one time, except that when two
27 or more Recreational Commercial Gear License holders are on ~~board~~, board a vessel, a
28 maximum of 200 yards may be used from a vessel; ~~and~~
- 29 (D) ~~It is it shall be~~ unlawful to possess ~~aboard on board~~ a vessel more than 100 yards of gill
30 nets with a mesh length less than ~~5 1/2 five and one-half~~ inches and more than 100 yards
31 of gill nets with a mesh length equal to or greater than ~~5 1/2 five and one-half~~ inches
32 identified as recreational commercial fishing equipment when only one Recreational
33 Commercial Gear License holder is on ~~board~~ board a vessel. It ~~is shall be~~ unlawful to
34 possess ~~aboard on board~~ a vessel more than 200 yards of gill nets with a mesh length less
35 than ~~5 1/2 five and one-half~~ inches and more than 200 yards of gill nets with a mesh length
36 equal to or greater than ~~5 1/2 five and one-half~~ inches identified as recreational commercial

fishing equipment when two or more Recreational Commercial Gear License holders are
on ~~board~~board a vessel;

(6) A ~~one~~ hand-operated device generating pulsating electrical current for the taking of catfish in the
area described in 15A NCAC 03J .0304;

(7) ~~Skimmer-skimmer~~ trawls not exceeding 26 feet in total combined ~~width~~width; and

(8) ~~One~~ one pound net used to take shrimp with each lead 10 feet or less in length and with a minimum
lead net mesh of ~~1-1/2~~ one and one-half inches, and enclosures constructed of net mesh of ~~1-1/4~~ one
and one-fourth inches or greater and with all dimensions being 36 inches or less. Attendance ~~is~~ shall
be required at all times and all gear ~~must~~ shall be removed from the water when not being fished.

Gear is to be marked and set as specified in 15A NCAC 03J .0501.

(b) It ~~is~~ shall be unlawful to use more than the quantity of authorized gear specified in ~~Subparagraphs (a)(1) through~~
~~(a)(8)~~ of Paragraph (a) of this Rule, regardless of the number of individuals ~~aboard~~ on board a vessel possessing a valid
Recreational Commercial Gear License.

(c) It ~~is~~ shall be unlawful for ~~a person~~ an individual to violate the restrictions of or use gear other than that authorized
by Paragraph (a) of this Rule.

(d) Unless otherwise provided, this Rule does not exempt Recreational Commercial Gear License holders from the
provisions of other applicable rules of the Marine Fisheries Commission or provisions of proclamations issued by the
Fisheries Director as authorized by the Marine Fisheries Commission.

History Note: Authority G.S. 113-134; 113-173; 113-182; 143B-289.52;

*Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule
becomes effective, whichever is sooner;*

Eff. February 1, 1995;

Temporary Amendment Eff. August 1, 1999; July 1, 1999;

Amended Eff. August 1, 2000;

Temporary Amendment Eff. August 1, 2000;

Amended Eff. April 1, 2009; July 1, 2006; November 1, 2005; August 1, 2002;

Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0303

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 (a), line 5, what does it mean to possess "more than a single recreational limit"?

Don't (a) and (b) essentially say the same thing? It seems to me they're both saying that the amount of the limit is tied directly to the number of individuals holding a RCGL on the vessel, except as provided in (f).

In the History Note, why do you cite to G.S. 113-170.4?

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

1 15A NCAC 03O .0303 is readopted as published in 36:07 NCR 493-494 as follows:

2
3 **15A NCAC 03O .0303 POSSESSION LIMITS FOR RECREATIONAL COMMERCIAL GEAR LICENSE**
4 **POSSESSION LIMITS LICENSES**

5 (a) It ~~is~~ shall be unlawful to possess more than a single recreational possession limit when only one ~~person aboard~~
6 individual on board a vessel possesses a valid Recreational Commercial Gear License and recreational commercial
7 fishing equipment as ~~defined described in 15A NCAC 03O Rule .0302(a) of this Section~~ is used, regardless of the
8 number of ~~persons individuals on board board~~ a vessel.

9 (b) It ~~is~~ shall be unlawful to possess individual recreational possession limits in excess of the number of individuals
10 ~~aboard on board~~ a vessel holding a valid Recreational Commercial Gear ~~Licencees License~~ except as provided in
11 Paragraph (f) of this Rule.

12 (c) It ~~is~~ shall be unlawful for any ~~person individual~~ who holds both a Recreational Commercial Gear License and a
13 Standard or Retired Standard Commercial Fishing License and who is in possession of identified recreational
14 commercial fishing equipment as ~~defined described in 15A NCAC 03O .0302(a), Rule .0302(a) of this Section~~ to
15 exceed the single recreational possession limit.

16 (d) It ~~is~~ shall be unlawful for ~~persons aboard individuals on board~~ a vessel collectively holding only one Recreational
17 Commercial Gear License and any Standard Commercial Fishing License or Retired Standard Commercial Fishing
18 License and who are in possession of any identified recreational commercial fishing equipment as ~~defined described~~
19 in ~~15A NCAC 03O .0302(a), Rule .0302(a) of this Section~~ to exceed ~~one the single~~ recreational possession limit.

20 (e) It ~~is~~ shall be unlawful to possess more than 48 quarts, heads on, or 30 quarts, heads off, of shrimp when only one
21 ~~person aboard individual on board~~ a vessel possesses a valid Recreational Commercial Gear License and recreational
22 commercial fishing equipment as ~~defined described in 15A NCAC 03O Rule .0302(a) of this Section~~ is used.

23 (f) It ~~is~~ shall be unlawful to possess more than 96 quarts, heads ~~on on~~, or 60 quarts, heads off, of shrimp if more than
24 one ~~person aboard individual on board~~ a vessel possesses a valid Recreational Commercial Gear License and
25 recreational commercial fishing equipment as ~~defined described in 15A NCAC 03O Rule .0302(a) of this Section~~ is
26 used.

27
28 *History Note: Authority G.S. 113-134; 113-170.4; 113-173; 113-182; 143B-289.52;*

29 *Temporary Adoption Eff. August 9, 1994, for a period of 180 days or until the permanent rule*
30 *becomes effective, whichever is sooner;*

31 *Eff. February 1, 1995;*

32 *Temporary Amendment Eff. June 7, 1998;*

33 *Amended Eff. April 1, 1999;*

34 *Temporary Amendment Eff. July 1, 1999;*

35 *Amended Eff. July 1, 2006; August 1, 2000;*

36 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0401

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 (a), the Rule gives the various officers named the ability to “name a designee and an alternate designee to serve” on the Eligibility Board. To be clear, only one designee from each office serves on the Board at a time, correct?

In the History Note, have the provisions of SL 1998-225 been codified in the General Statutes? If so, it would be preferable to cite to G.S. instead of a session law.

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0401 is readopted as published in 36:07 NCR 494 as follows:

2
3 **SECTION .0400 – STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY**

4
5 **15A NCAC 03O .0401 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD**

6 (a) The ~~Chairman~~ Chair of the Marine Fisheries Commission, the Secretary of the Department of ~~Environment and~~
7 ~~Natural Resources, Environmental Quality,~~ and the ~~Fisheries~~ Director of the ~~Division of Marine Fisheries~~ may each
8 name a designee and an alternate designee to serve on the Standard Commercial Fishing License Eligibility Board as
9 their representative in their absence.

10 (b) The Standard Commercial Fishing License Eligibility Board shall not review an application for eligibility without
11 a quorum of the Eligibility Board members or designees being present. Two or more members of the Standard
12 Commercial Fishing License Eligibility Board or their designees constitute a quorum.

13
14 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
15 *Temporary Adoption Eff. April 1, 1999;*
16 *Eff. August 1, 2000;*
17 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0402

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 (a), line 5, are the contents or substantive requirements of the application form prescribed in another Rule or statute? Is the information required by the form the same as what is required in R. 404 and 405?

In (f), what address change is the applicant required to disclose? Home or business? Or both?

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

1 15A NCAC 03O .0402 is readopted with changes as published in 36:07 NCR 494 as follows:

2
3 **15A NCAC 03O .0402 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY APPLICATION**
4 **PROCESS**

5 (a) Application forms for determination of eligibility for the Standard Commercial Fishing ~~Licenses~~ License
6 Eligibility Pool ~~shall be~~ are available at all offices of the Division of Marine Fisheries and online at
7 [https://deq.nc.gov/about/divisions/marine-fisheries/licenses-permits-and-leases/commercial-fishing-](https://deq.nc.gov/about/divisions/marine-fisheries/licenses-permits-and-leases/commercial-fishing-licenses/eligibility-pool)
8 [licenses/eligibility-pool](https://deq.nc.gov/about/divisions/marine-fisheries/licenses-permits-and-leases/commercial-fishing-licenses/eligibility-pool) and ~~must~~ shall be submitted to the Morehead City any Office of the Division of Marine
9 Fisheries ~~[Division, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557]~~ for processing.

10 (b) Only one application per individual for determination of eligibility for the Standard Commercial Fishing ~~Licenses~~
11 License Eligibility Pool shall be accepted or may be pending at any one time. An applicant may have only one entry
12 in the ~~eligibility pool~~ Standard Commercial Fishing License Eligibility Pool at any one time.

13 (c) Individuals who currently hold or are eligible to purchase a Standard or Retired Standard Commercial Fishing
14 License shall not be eligible to apply for additional Standard Commercial Fishing Licenses through the Standard
15 Commercial Fishing ~~Licenses~~ License Eligibility Pool.

16 (d) If an applicant has died or becomes ineligible and is subsequently selected from the ~~eligibility pool~~, Standard
17 Commercial Fishing License Eligibility Pool, that license eligibility shall automatically revert to the ~~eligibility~~
18 ~~pool~~ Eligibility Pool.

19 (e) Persons claiming retirement from commercial fishing or transferring their Standard Commercial Fishing License
20 ~~may not apply for pool eligibility~~ shall not be eligible to apply for a Standard Commercial Fishing License through
21 the Standard Commercial Fishing License Eligibility Pool for two years from the date of the last ~~transfer~~ transfer,
22 except as provided in ~~15A NCAC 03O .0404(3)~~ Rule .0404(3) of this Section.

23 (f) Applicants shall notify the Division of Marine Fisheries within 30 days of a change of address.

24
25 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4:24;*
26 *Temporary Adoption Eff. April 1, 1999;*
27 *Eff. August 1, 2000;*
28 *Amended Eff. October 1, 2008; February 1, 2008;*
29 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03O .0403 is readopted as published in 36:07 NCR 494 as follows:

2
3 **15A NCAC 03O .0403 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD**
4 **REVIEW**

5 (a) After determination of eligibility by the Standard Commercial Fishing License Eligibility Board, applicants will
6 be notified in writing as to the ~~applicant's~~applicant meeting or not meeting required eligibility criteria for the Standard
7 Commercial Fishing License Eligibility Pool.

8 (b) The Marine Fisheries Commission shall determine the number of licenses available from the ~~pool~~Standard
9 Commercial Fishing License Eligibility Pool at ~~their~~its first regularly scheduled meeting following July 1 of each
10 year.

11 (c) The Standard Commercial Fishing License Eligibility Board shall meet to review applications as often as deemed
12 necessary by the ~~Chairman~~Chair of the Eligibility Board.

13
14 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
15 *Temporary Adoption Eff. April 1, 1999;*
16 *Eff. August 1, 2000;*
17 *Amended Eff. February 1, 2008;*
18 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0404

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 Item (2), lines 29 and 34, please consider revising to remove "such" in the interests of clarity.

In (2)(c), p. 1, line 36 to p. 2, line 2, what is the number of convictions that would cause suspension or revocation of the license, endorsement, etc?

In (3), p. 2, line 23, who is the responsible party? Elsewhere throughout the Rule you use "applicant."

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03O .0404 is readopted as published in 36:07 NCR 494-495 as follows:

2
3 **15A NCAC 03O .0404 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY CRITERIA**

4 In determining eligibility of an ~~application-applicant~~ for the Standard Commercial Fishing License Eligibility Pool,
5 the Standard Commercial Fishing License Eligibility Board shall apply the following criteria:

6 (1) ~~Involvement in Commercial Fishing:~~involvement in commercial fishing:

- 7 (a) ~~Significant-significant~~ involvement in the commercial fishing industry for three of the last
8 five years;~~or~~
9 (b) ~~Significant-significant~~ involvement in commercial fishing or in the commercial fishing
10 industry prior to the last five years;~~or~~
11 (c) ~~In-in~~ the case of an applicant who is under 16 years of age, significant involvement in
12 commercial fishing for two out of the last five years with a parent, legal guardian,
13 ~~grandparent-grandparent~~, or other adult; or
14 (d) ~~Significant-significant~~ involvement of the applicant's family in commercial fishing. For the
15 purpose of this ~~Sub item, Sub-Item~~, family shall include mother, father, ~~brother, sister,~~
16 ~~brothers, sisters,~~ spouse, children, ~~grandparents-grandparents~~, or legal guardian.

17 For the purposes of this Rule, ~~significant involvement means-~~"significant involvement" shall mean
18 persons or corporations who are engaged in the actual taking of fish for sale, from the waters of the
19 State, or other states, jurisdictions, or federal waters, or any licensed dealer or the dealer's employees
20 who ~~purchases-purchase~~ fish at the point of landing. Significant involvement does not include
21 activities such as those who transport fish from the point of ~~landing, landing~~, those who sell or make
22 commercial or recreational fishing ~~gear, gear~~, those who operate bait and tackle shops unless they
23 are engaged in the actual taking of bait for ~~sale, sale~~, or those who work in fish markets or crab
24 picking ~~operations-operations~~;

25 (2) ~~Compliance with Applicable Laws and Regulations:~~compliance with applicable laws, regulations,
26 and rules:

- 27 (a) ~~The-the~~ applicant shall not have any licenses, ~~endorsements or commercial fishing vessel~~
28 ~~registrations-endorsements~~, or Commercial Fishing Vessel Registrations issued by the
29 Division of Marine Fisheries or the right to hold such under suspension or revocation at
30 the time of application or during the eligibility review;~~or~~
31 (b) ~~If-if~~ selected for the Standard Commercial Fishing License Eligibility Pool, the applicant
32 shall become ineligible for the Standard Commercial Fishing License Eligibility Pool if
33 any licenses, ~~endorsements or registrations~~ endorsements, or Commercial Fishing Vessel
34 Registrations or the right to hold such issued by the Division of ~~Marine Fisheries~~ are
35 suspended or revoked;~~or~~
36 (c) ~~Four-four~~ convictions within the last three years or the number of convictions ~~which-that~~
37 would cause suspension or revocation of ~~license, endorsement, or registration-licenses~~.

endorsements, or Commercial Fishing Vessel Registrations within the last three years shall result in the application being ~~denied~~; or ~~denied~~. An applicant for the Standard Commercial Fishing License Eligibility Pool shall provide certification that the applicant does not have four or more marine or estuarine resource convictions during the previous three years; and

- (d) ~~A~~ record of habitual violations evidenced by eight or more convictions in the last 10 years shall result in the application being denied.

For purposes of eligibility for the Standard Commercial Fishing License Eligibility Pool, the term convictions shall include ~~but not be limited to~~ any conviction for violation of any provision of Chapter 113 of the North Carolina General Statutes and any rule implementing or authorized by such ~~statutes; statutes,~~ any conviction for violation of G.S. 76-40 and any rule implementing or authorized by such ~~statute; statute,~~ any conviction of Chapter 75A of the North Carolina General Statutes and any rule implementing or authorized by such ~~statutes; statutes,~~ any conviction for violation of any provision of Article 7 of Chapter 143B of the North Carolina General Statutes and any rule implementing or authorized by such ~~statutes; statutes,~~ any conviction of resist, obstruct, or delay involving a ~~Marine Patrol Officer or Wildlife Officer~~ Marine Fisheries Inspector or Wildlife Protector under G.S. ~~14-223; 14-223,~~ and any conviction involving assaultive behavior toward a ~~Marine Patrol Officer~~ Marine Fisheries Inspector or other governmental official of the Department of ~~Environment and Natural Resources~~ Environmental Quality or the Wildlife Resources Commission.~~Commission;~~

~~Applicants for the Standard Commercial Fishing License Eligibility Pool must provide certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years.~~

- (3) ~~The~~ the responsible party shall not have transferred a Standard Commercial Fishing License granted by the Standard Commercial Fishing License Eligibility Board.~~Board;~~ and

- (4) ~~All applicants~~ an applicant for the Standard Commercial Fishing License Eligibility Pool ~~must~~ shall meet all other statutory eligibility requirements for ~~the~~ a Standard Commercial Fishing License.

History Note: Authority G.S. 113-134; 113-168.1; 113-168.2; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24; Temporary Adoption Eff. April 1, 1999; Eff. August 1, 2000; Amended Eff. October 1, 2008; February 1, 2008; Readopted Eff. May 1, 2022.

1 15A NCAC 03O .0405 is readopted as published in 36:07 NCR 495-496 as follows:

2
3 **15A NCAC 03O .0405 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL**
4 **APPLICATION DOCUMENTATION**

5 (a) Documentation for applications: applications for determination of eligibility for the Standard Commercial Fishing
6 License Eligibility Pool shall include:

- 7 (1) ~~Statements~~ statements from individuals verifying the ~~applicant's involvement must~~ applicant's
8 involvement in commercial fishing or the commercial fishing industry, which shall contain the
9 individual's individual's name, address address, and telephone number number, and must be
10 notarized; the individual's signature shall be notarized;
11 (2) ~~Proof~~ proof of income derived from commercial fishing or the commercial fishing industry. Proof
12 of this income shall be tax ~~records~~ records; and
13 (3) ~~The~~ the extent to which the applicant has complied with federal and state laws, regulations, and
14 rules relating to coastal fishing and protection of the environment. Federal compliance will be
15 verified by a notarized statement from the applicant that ~~he~~ the applicant has complied with federal
16 laws.

17 ~~(4)(b)~~ All documents required by this Rule ~~must~~ shall be notarized.

18 ~~(5)(c)~~ Applications shall be legible and complete or they will be returned.

19 ~~(6)(d)~~ It ~~is~~ shall be unlawful to submit false statements on applications or supporting documents. If eligibility is based
20 on false information provided by the applicant, this eligibility ~~is~~ shall be automatically revoked.

21
22 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
23 *Temporary Adoption Eff. April 1, 1999;*
24 *Eff. August 1, 2000;*
25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 03O .0406 is readopted as published in 36:07 NCR 496 as follows:

2
3 **15A NCAC 03O .0406 STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY POOL**
4 **CERTIFICATION**

5 Annual certification to maintain an eligible application in the Standard Commercial Fishing License Eligibility Pool
6 shall be as follows:

- 7 (1) ~~The~~ the applicant shall certify that the information on ~~his~~ the applicant's original application is
8 correct and that ~~he~~ the applicant desires to remain in the Standard Commercial Fishing License
9 Eligibility Pool. A certification form shall be provided and mailed to the applicant at the last known
10 address by the Division of Marine Fisheries;
- 11 (2) ~~A certification form shall be provided and mailed to the applicant at the last known address by the~~
12 ~~Division.~~
- 13 (3)(2) ~~This certification,~~ the certification form with any ~~changes~~ changes, such as address, phone number,
14 or updated fisheries involvement information since the last application or ~~certification~~ must
15 certification, shall be notarized and submitted to the Division within 12 months of the initial
16 application and annually ~~thereafter~~ thereafter; and
- 17 (4)(3) ~~Failure~~ failure to return certification that an application is correct or with changes within 30 days
18 from when the Division mailed the form to the applicant shall result in the application being ~~deleted~~
19 removed from the Standard Commercial Fishing License Eligibility Pool. An applicant that has been
20 removed from the Standard Commercial Fishing License Eligibility Pool shall receive a notice from
21 the Division.
- 22 (5) ~~An applicant that has been deleted from the Standard Commercial Fishing License Eligibility Pool~~
23 ~~shall receive a notice from the Division.~~

24
25 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; S.L. 1998-225, s. 4.24;*
26 *Temporary Adoption Eff. April 1, 1999;*
27 *Eff. August 1, 2000;*
28 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0502

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 (b)(1)(C), line 13, please define "valid".

In the History Note, I believe you need a reference to G.S. 113-170.2, with respect to (b)(1)(F), and a reference to G.S. 113-170.3, with respect to (b)(1)(I).

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

1 15A NCAC 03O .0502 is readopted as published in 36:07 NCR 496-497 as follows:

2
3 **15A NCAC 03O .0502 ~~PERMIT CONDITIONS;~~ GENERAL PERMIT CONDITIONS**

4 (a) It shall be unlawful to violate any permit condition.

5 (b) The following conditions shall apply to all permits issued by the Fisheries Director:

6 (1) ~~it is unlawful to~~ it shall be unlawful to:

7 (A) operate under the permit except in areas, at times, and under conditions specified on the
8 ~~permit; permit.~~

9 ~~(2)(B) it is unlawful to~~ operate under a permit without having the permit or copy thereof in
10 possession of the permittee or ~~his or her~~ the permittee's designees at all times of operation
11 and the permit or copy thereof shall be ready at hand for inspection, except for a Pound
12 ~~Net Permits; Set Permit.~~

13 ~~(3)(C) it is unlawful to~~ operate under a permit without having a current valid picture identification
14 in possession and ready at hand for ~~inspection; inspection.~~

15 ~~(4)(D) it is unlawful to~~ refuse to allow inspection and sampling of a permitted activity by an agent
16 of the ~~Division; Division of Marine Fisheries.~~

17 ~~(5)(E) it is unlawful to~~ fail to provide complete and accurate information requested by the
18 Division in connection with the permitted ~~activity; activity.~~

19 (F) provide false information in the application for initial issuance, renewal, or transfer of a
20 permit.

21 ~~(6)(G) it is unlawful to~~ hold a permit issued by the Fisheries Director ~~when~~ if not eligible to hold
22 any license required as a condition for that permit as stated in ~~15A NCAC 03O .0501; Rule~~
23 .0501 of this Section.

24 ~~(7)(H) it is unlawful to~~ fail to provide reports within the timeframe required by the specific permit
25 ~~conditions; conditions.~~

26 ~~(8)(I) it is unlawful to~~ fail to keep such records and accounts as required by the rules in this
27 Chapter for determination of conservation policy, equitable and efficient administration
28 and enforcement, or promotion of commercial or recreational ~~fisheries; fisheries.~~

29 ~~(9)(J) it is unlawful to~~ assign or transfer permits issued by the Fisheries Director, except for a
30 Pound Net ~~Permits~~ Set Permit as authorized by 15A NCAC 03J ~~.0504; .0504.~~

31 ~~(10)(2) the Fisheries Director, Director or his agent, the Fisheries Director's agent~~ may, by conditions of the
32 permit, ~~specify~~ impose any ~~or all~~ of the following restrictions for the permitted purposes:

33 (a) ~~species;~~

34 (b) ~~quantity or size;~~

35 (c) ~~time period;~~

36 (e) ~~location;~~

37 (d) ~~means and methods;~~

- (f) ~~disposition of resources;~~
(g) ~~marking requirements; or~~
(h) ~~harvest conditions.~~
- (A) specify time;
(B) specify area;
(C) specify means and methods;
(D) specify requirements for a commercial fishing operation or for recreational purposes;
(E) specify record keeping and reporting requirements;
(F) specify season;
(G) specify species;
(H) specify size;
(I) specify quantity;
(J) specify disposition of resources;
(K) specify marking requirements; and
(L) specify harvest conditions.

- ~~(11)(3)~~ unless specifically stated as a condition on the permit, all statutes, ~~rules~~ rules, and proclamations shall apply to the permittee and ~~his or her designees; and the permittee's designees.~~
- ~~(12)~~ ~~as a condition of accepting the permit from the Fisheries Director, the permittee agrees to abide by all conditions of the permit and agrees that if specific conditions of the permit, as identified on the permit, are violated or if false information was provided in the application for initial issuance, renewal or transfer, the permit may be suspended or revoked by the Fisheries Director.~~

History Note: Authority G.S. 113-134; 113-169.1; 113-182; 113-210; 143B-289.52;
Temporary Adoption Eff. May 1, 2000;
Eff. April 1, 2001;
Amended Eff. April 1, 2009; September 1, 2005;
Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03O .0504

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 (a), line 6, please explain the reference to G.S. 150B-2, as I don't see these terms used there in a way that appears relevant to this Rule.

In (b)(3), are you saying the former licensee cannot apply for reinstatement of the revoked permit while the license remains revoked, or even after reinstatement of the license?

In (d), lines 17-18, please remove the parenthetical and incorporate the parenthetical material into the body of the Rule.

In (g), p. 2, line 6, please change "it" to "he or she."

In (j), line 14, where is your statutory authority for this? What are the penalties associated with violation of (j)?

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

1 15A NCAC 03O .0504 is readopted as published in 36:07 NCR 497-498 as follows:

2
3 **15A NCAC 03O .0504 ~~SUSPENSION/REVOCATION~~ SUSPENSION AND REVOCATION OF PERMITS**

4 (a) All commercial and recreational permits issued under Article 14A, Article 14B, and Article 25A of Chapter 113,
5 and rules of the Marine Fisheries Commission shall be subject to suspension and revocation. For the purpose of this
6 Rule and in accordance with G.S. 150B-2, "permit" includes "certification" and "certificate of compliance".

7 (b) If a license is required to hold a permit:

8 (1) all permits shall be suspended or revoked if the permittee's license privilege has been suspended or
9 revoked as set forth in G.S. 113-171 and Rule .0114 of this Subchapter. The duration of the permit
10 suspension or revocation shall be the same as the license suspension or revocation.

11 (2) in the event a person makes application for a new permit during any period of license or permit
12 suspension, no new permit shall be issued during the suspension period.

13 (3) in the case of revocation of license privileges, the former licensee shall not be eligible to apply for
14 reinstatement of a revoked permit.

15 (c) If a license is not required to hold a permit, in the case of revocation of a permit, the former permittee shall not be
16 eligible to apply for reinstatement of a revoked permit for a period of six months.

17 ~~(a)(d)~~ It shall be unlawful to violate any permit condition. For violation of ~~specific~~ permit conditions (as specified on
18 the permit), permits may be suspended or revoked according to the following schedule:

19 (1) violation of one ~~specific permit~~ condition in a ~~three year~~ three-year period, permit shall be suspended
20 for 10 ~~days;~~ days.

21 (2) violation of two ~~specific permit~~ conditions in a ~~three year~~ three-year period, permits shall be
22 suspended for 30 ~~days;~~ days.

23 (3) violation of three ~~specific permit~~ conditions in a ~~three year~~ three-year period, permits shall be
24 revoked for a period not less than six months.

25 (4) violation of any permit conditions as set forth in 15A NCAC 03J .0505(a), permits may be revoked
26 and the former permittee may not be eligible to apply for any future Pound Net Set Permits.

27 If several permit conditions are violated as a result of a single transaction or occurrence, the permit violations shall be
28 treated as a single violation for the purpose of suspension or revocation. ~~If the permit condition violated is the refusal~~
29 ~~to provide information upon request by Division staff, either by telephone, in writing or in person, the Fisheries~~
30 ~~Director may suspend the permit. Such permit may be reinstated 10 days after the requested information is provided.~~

31 ~~(b)~~ All permits will be suspended or revoked when the permittee's license privilege has been suspended or revoked
32 as set out in G.S. 113-171. The duration of the suspension or revocation shall be the same as the license suspension
33 or revocation. ~~In the event the person makes application for a new permit during any period of license suspension, no~~
34 ~~new permit will be issued during the suspension period. In case of revocation of license privileges, the minimum~~
35 ~~waiting period before application for a new permit to be considered will be six months.~~

36 ~~(e)(e)~~ Permit designees shall not be permitted to participate in a permit operation during any period they are under
37 license suspension or revocation.

1 (f) If violation of permit conditions requires suspension or revocation of a permit, the Fisheries Director shall cause
2 the permittee to be served with written notice of the intent to commence suspension or revocation. If the permittee is
3 not an individual, the written notice shall be served upon any responsible individual affiliated with the corporation,
4 partnership, or association. The notice of the intent to commence suspension or revocation shall be served by an
5 inspector or other agent of the Department or by certified mail, and shall state the grounds upon which it is based.

6 (g) The Fisheries Director shall order summary suspension of a permit if it finds that the public health, safety, or
7 welfare requires emergency action. Upon such determination, the Fisheries Director shall issue an order giving the
8 reasons for the emergency action. The effective date of the order shall be the date specified on the order or the date of
9 service of a certified copy of the order at the last known address of the permittee, whichever is later.

10 ~~(d)(h)~~ Upon service of a notice of suspension or revocation of a permit, it ~~is~~ shall be unlawful to fail to surrender any
11 permit so suspended or revoked.

12 (i) It shall be unlawful to fail to surrender a permit issued by the Division in error immediately upon service of a
13 notice by an agent of the Fisheries Director to surrender the permit.

14 (j) It shall be unlawful to evade the service prescribed in this Rule.

15 (k) It shall be unlawful to fail to remove all gear, markers, and devices associated with an Aquaculture Operation
16 Permit within 30 days after expiration of the Aquaculture Operation Permit, termination of a shellfish lease for which
17 the Aquaculture Operation Permit was issued, or notice by the Fisheries Director that an existing Aquaculture
18 Operation Permit has been revoked or denied. Similar requirements for gear removal for a Pound Net Set Permit are
19 described in 15A NCAC 03J .0505.

20
21 *History Note:* Authority G.S. 113-134; 113-171; 113-182; 113-202; 113-221.2; 143B-289.52; 150B-3; S.L. 2010-
22 145;

23 *Temporary Adoption Eff. May 1, 2000;*

24 *Eff. April 1, 2001;*

25 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03P .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 (b), lines 12-13, please explain the reference to G.S. 150B-2, as I don't see these terms used there in a way that appears relevant to this Rule.

In (d), was it your intention to state that for permits related to endangered or threatened species, statements to show compliance shall be postmarked within 5 days of receipt of the notice? If so, please revise accordingly, because the text is unclear. Otherwise, please clarify what this paragraph is doing.

In (e), p.2, line 1, please define or delete "material".

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

1 15A NCAC 03P .0101 is readopted as published in 36:07 NCR 498 as follows:

2
3 **SUBCHAPTER 03P - ~~HEARING~~ ADMINISTRATIVE PROCEDURES**

4
5 **SECTION .0100 - HEARING PROCEDURES**

6
7 **15A NCAC 03P .0101 LICENSE, PERMIT, OR CERTIFICATE DENIAL: REQUEST FOR REVIEW**

8 (a) Except in cases where summary suspension is applicable, before the Division of Marine Fisheries may commence
9 proceedings for suspension, revocation, annulment, withdrawal, recall, cancellation, or amendment of a license, notice
10 shall be given to the license holder that the license holder may file a petition for a contested case in accordance with
11 G.S. 113-171(e) and may request a final agency decision in accordance with G.S. 113-171(f).

12 ~~(a)(b)~~ For the purpose of this Rule and in accordance with G.S. 150B-2, "license" "permit" includes "~~permit~~" as well
13 as "certification" and "certificate of compliance."

14 ~~(b)(c)~~ Except in cases where G.S. ~~413-171~~ 113-171, 15A NCAC 03O .0114, or summary suspension is applicable,
15 before the Division may commence proceedings for suspension, revocation, annulment, withdrawal, recall,
16 cancellation, or amendment of a ~~license, permit,~~ notice shall be given to the ~~license holder that~~ permittee that the
17 permittee:

18 (1) may request an opportunity to show compliance with all requirements for retention of the permit by
19 submitting a statement in writing to the personnel designated in the notice to commence
20 proceedings; and

21 ~~(1)(2)~~ the license holder has a the right, through filing a request for a contested case hearing in the Office
22 of Administrative Hearings, to a hearing before an administrative law judge, judge and a final agency
23 decision by the Marine Fisheries Commission; and

24 (2) the license holder may request an opportunity to show compliance with all requirements for
25 retention of the license by submitting a statement in writing to the personnel designated in the notice
26 to commence proceedings.

27 ~~(e)(d)~~ Any statements submitted by the ~~license holder permittee~~ to show compliance with all requirements for
28 retention of the ~~license permit~~ shall be postmarked or emailed within ~~45-10~~ days of receipt of the notice to commence
29 ~~proceedings, proceedings, except for a permit related to endangered or threatened species or a species managed by a~~
30 quota, any statements to show compliance shall be postmarked or emailed within five days of receipt of the notice to
31 commence proceedings. Statements and any supporting documentation shall be addressed to the personnel designated
32 in the notice and ~~mailed if mailed, sent~~ to the Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769,
33 Morehead City, NC ~~28557~~ 28557, or if emailed, sent to the email address provided in the notice for the designated
34 personnel.

35 ~~(d)(e)~~ Upon receipt of a statement and any supporting documentation from the ~~license holder, permittee,~~ the Division
36 shall review the statement and, within ~~45-10~~ days, shall notify the ~~license holder permittee~~ in writing with the
37 Division's determination whether the ~~license holder permittee~~ demonstrated compliance with all requirements for

1 retention of the ~~license-permit~~. In making this determination, the Division may consider criteria including material
2 changes made enabling the ~~license holder-permittee~~ to conduct the operations for which the ~~license-permit~~ is held in
3 ~~accordance~~ with all applicable laws and ~~rules-rules~~, and processing errors made by the Division.

4 ~~(e) The Division shall order summary suspension of a license if it finds that the public health, safety, or welfare~~
5 ~~requires emergency action. Upon such determination, the Fisheries Director shall issue an order giving the reasons for~~
6 ~~the emergency action. The effective date of the order shall be the date specified on the order or the date of service of~~
7 ~~a certified copy of the order at the last known address of the license holder, whichever is later.~~

8
9 *History Note: Authority G.S. 113-134; 113-171; 113-182; 113-221.2; 143B-289.52; 150B-3; 150B-23;*

10 *Eff. January 1, 1991;*

11 *Amended Eff. May 1, 2017; August 1, 1999;*

12 *Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03P .0102

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:

It is unclear to me why you've added the reference to G.S. 113-182 in the History Note, as that statute doesn't reference administrative hearings in any way. I would suggest adding references to both or either of G.S. 150B-22 and G.S. 113-131, or any other statute you are aware of that generally gives OAH jurisdiction over contested cases coming out of MFC.

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

1 15A NCAC 03P .0102 is readopted as published in 36:07 NCR 498 as follows:

2
3 **15A NCAC 03P .0102 CONTESTED CASE HEARING PROCEDURES**

4 ~~Administrative-Contested case~~ hearings shall be held in accordance with ~~G.S. 150B, and the administrative hearing~~
5 ~~procedures codified at 15A NCAC 1B .0200.~~Article 3 of Chapter 150B of the General Statutes.

6
7 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

8 *Eff. January 1, 1991;*

9 *Amended Eff. August 1, 1999;*

10 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0201 is readopted as published in 36:07 NCR 499 as follows:

2
3 **SECTION .0200 - DECLARATORY RULINGS**
4

5 **15A NCAC 03P .0201 DECLARATORY RULINGS: GENERALLY**

6 At the request of any person aggrieved, as defined in G.S. 150B-2(6), the Marine Fisheries Commission may issue a
7 declaratory ruling as provided in G.S. ~~150B-4~~150B-4 and rules of this Section.
8

9 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;*

10 *Eff. April 1, 1999;*

11 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0202 is readopted as published in 36:07 NCR 499-500 as follows:

2
3 **15A NCAC 03P .0202 PROCEDURE FOR REQUESTING DECLARATORY RULINGS**

4 (a) All requests for a declaratory ruling shall be ~~filed-submitted~~ in writing ~~with the Director of the~~ to the Marine
5 Fisheries Commission Chair and addressed to the Marine Fisheries Commission Office, Division of Marine Fisheries,
6 Department of Environment and Natural Resources (DENR), 3441 Arendell Street, P.O. Box 769, Morehead City,
7 North Carolina NC 28557.

8 (b) All requests shall include the following:

- 9 (1) the ~~aggrieved person's~~ petitioner's name and address;
- 10 (2) the rule, ~~statute~~ statute, or order upon which a ruling is desired;
- 11 (3) a ~~concise~~ statement as to whether the request is for a ruling ~~on~~ on:
- 12 (A) the validity of a ~~rule or rule~~ rule;
- 13 (B) ~~on~~ the applicability of a rule, ~~order~~ order, or statute to a given factual situation; or
- 14 (C) a conflict or inconsistency within the Commission or the Department of Environmental
15 Quality regarding interpretation of a law or rule adopted by the Commission;
- 16 (4) arguments or data ~~which that~~ demonstrate ~~that~~ the petitioner is aggrieved by the rule or statute or its
17 potential application to ~~him~~ the petitioner;
- 18 (5) a statement of the consequences of a failure to issue a declaratory ruling in favor of the petitioner;
19 and
- 20 (6) a draft of the proposed ruling; and
- 21 (7) a statement of whether an oral argument is desired, and, if so, the reasons for requesting such an
22 oral argument.

23 ~~(b)(c)~~ A request for a ruling on the validity of a Commission rule shall state the petitioner's reasons for questioning
24 the validity of the rule and a brief or legal memorandum supporting the petitioner's position. A request for a ruling on
25 the applicability of a rule, order, or statute must shall include a description of the statement of the specific facts to a
26 given factual situation on which the ruling is to be based, and documentation supporting those facts. A request for a
27 ruling on the validity of a Commission rule must state the aggrieved person's reasons for questioning the validity of
28 the rule. A request for a ruling to resolve a conflict or inconsistency within the Commission or the Department
29 regarding interpretation of a law or rule adopted by the Commission shall include a written description identifying the
30 conflict or inconsistency, the interpretation provided by the agency, and the law or rule in question. A person may ask
31 for both multiple types of declaratory rulings in a single request. A request for a ruling must include or be accompanied
32 by:

- 33 (1) ~~a statement of the facts proposed for adoption by the Commission; and~~
- 34 (2) ~~a draft of the proposed ruling.~~

35 (d) In the manner provided in G.S. 150B-23(d), any other person may request to intervene in the request for
36 declaratory ruling. The request to intervene shall be determined by the Commission Chair.

37 ~~(e) Before deciding the merits of the request, the Commission may:~~

- 1 (1) ~~request additional written submissions from petitioner(s);~~
- 2 (2) ~~request a written response from the Division staff or any other person; or~~
- 3 (3) ~~hear oral argument from the petitioner(s) and Division staff.~~
- 4 ~~(d) Unless the Division waives the opportunity to be heard, it shall be a party to any request for declaratory ruling.~~
- 5 ~~Upon written request, the requesting party and the Division may each be allowed to present oral arguments to the~~
- 6 ~~Commission at a regularly scheduled meeting. Neither party may offer testimony or conduct cross examination before~~
- 7 ~~the Commission. The declaratory ruling shall be determined on the basis of the statement of facts submitted by the~~
- 8 ~~parties.~~
- 9 ~~(e) Whenever the Commission believes "for good cause" that the issuance of a declaratory ruling is undesirable, the~~
- 10 ~~Commission may refuse to issue such ruling. The Commission shall notify in writing the person requesting the ruling,~~
- 11 ~~stating the reasons for the refusal to issue a ruling on the request.~~
- 12 ~~(f) For purposes of Paragraph (e) of this Rule, the Commission shall ordinarily refuse to issue a ruling on a request~~
- 13 ~~for declaratory ruling on finding that:~~
- 14 (1) ~~the petitioner(s) and the Division cannot agree on a set of facts sufficient to support a meaningful~~
- 15 ~~ruling;~~
- 16 (2) ~~there has been a similar determination in a previous contested case or declaratory ruling;~~
- 17 (3) ~~the matter is the subject of a pending contested case hearing or litigation in any North Carolina or~~
- 18 ~~federal court; or~~
- 19 (4) ~~no genuine controversy exists as to the application of a statute or rule to the factual situation~~
- 20 ~~presented.~~
- 21 ~~(g) The Commission shall keep a record of each declaratory ruling, which shall include at a minimum the following~~
- 22 ~~items:~~
- 23 (1) ~~the request for a ruling;~~
- 24 (2) ~~any written submissions by the parties;~~
- 25 (3) ~~the statement of facts on which the ruling was based;~~
- 26 (4) ~~any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;~~
- 27 (5) ~~any other matter considered by the Commission in making the decision; and~~
- 28 (6) ~~the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons~~
- 29 ~~therefore.~~
- 30 ~~(h) A declaratory ruling is binding on the Commission and the person requesting it unless it is altered or set aside by~~
- 31 ~~the court. The Commission may not retroactively change a declaratory ruling, but nothing in this Section prevents the~~
- 32 ~~Commission from prospectively changing a ruling.~~
- 33 ~~(i) Unless the requesting party consents to the delay, failure of the Commission to issue a ruling on the merits or deny~~
- 34 ~~the request within 60 days of receipt of the request for such ruling shall constitute a denial of the request as well as a~~
- 35 ~~denial of the merits of the request and shall be subject to judicial review.~~

36

37 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;*

- 1 *Eff. April 1, 1999;*
- 2 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0203 is readopted as published in 36:07 NCR 500 as follows:

2
3 **15A NCAC 03P .0203 ~~DEFINITION~~DISPOSITION OF REQUESTS FOR DECLARATORY RULING**

4 (a) The Marine Fisheries Commission Chair shall make a determination on the completeness of a request for
5 declaratory ruling based on the requirements of this Section.

6 (b) Before the Commission decides the merits of the request, the Commission Chair may:

7 (1) request additional written submissions from the petitioner;

8 (2) allow the petitioner to file a reply to the response submitted in accordance with Subparagraph (1) of
9 this Paragraph; and

10 (3) request oral arguments from the petitioner or the petitioner's legal counsel.

11 (c) Unless the Division of Marine Fisheries waives the opportunity to be heard, it shall be a party to any request for
12 declaratory ruling. The Division shall be allowed to present a written response and oral arguments to the Commission
13 at a regularly scheduled meeting.

14 (d) The Commission shall make a decision to grant or deny the request in accordance with G.S. 150B-4.

15 (e) The Commission shall deny the request upon making any of the following findings:

16 (1) the request is not complete;

17 (2) the petitioner is not a person aggrieved;

18 (3) there has been a similar determination in a previous contested case or declaratory ruling;

19 (4) the matter is the subject of a pending contested case hearing or litigation in any North Carolina or
20 federal court;

21 (5) no genuine controversy exists as to the application of a statute, order, or rule to the factual situation
22 presented;

23 (6) the factual context put forward as the subject of the declaratory ruling was considered upon the
24 adoption of the rule being questioned, as evidenced by the rulemaking record;

25 (7) the information provided by the petitioner, the Department, or any interveners does not support a
26 determination that a rule is invalid; or

27 (8) there is no material conflict or inconsistency within the Commission or Department regarding the
28 law or rule identified by the petitioner.

29 (f) The Commission shall keep a record of each declaratory ruling, which shall include the following items:

30 (1) the request for a ruling;

31 (2) any written submission by a party;

32 (3) the statement of facts on which the ruling was based;

33 (4) any transcripts of oral proceedings, or, in the absence of a transcript, a summary of all arguments;

34 (5) any other matter considered by the Commission in making the decision; and

35 (6) the declaratory ruling, or the decision to refuse to issue a declaratory ruling, together with the reasons
36 therefore.

(g) For purposes of ~~Rule .0202~~ of this Section, a declaratory ruling shall be deemed to be ~~"in effect" until~~ in effect until:

- (1) the statute or rule interpreted by the declaratory ruling is repealed or the relevant provisions of the statute or rule are amended or altered; ~~amended, altered or repealed~~;
- (2) any court of the Appellate Division of the General Court of Justice construes the statute or rule that is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling;
- (3) until the Commission changes the declaratory ruling prospectively for good reasons; ~~prospectively~~;
- or
- (4) until any court sets aside the declaratory ruling in litigation between the Commission or Department of ~~Environment and Natural Resources~~ Environmental Quality and the party requesting the ruling; ~~rule~~; or until any court of the Appellate Division of the General Court of Justice shall construe the statute or rule which is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

*History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-4;
Eff. April 1, 1999;
Readopted Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03P .0301

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:

It is unclear to me why you've included the references to G.S. 113-182.1 in the History Note, as the statute does not reference petitions for rulemaking or your rulemaking authority generally.

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

1 15A NCAC 03P .0301 is readopted as published in 36:07 NCR 500-501 as follows:

2
3 **SECTION .0300 - PETITIONS FOR RULEMAKING**
4

5 **15A NCAC 03P .0301 FORM AND CONTENTS OF ~~PETITION~~PETITIONS FOR RULEMAKING**

6 (a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Marine Fisheries Commission
7 (~~hereinafter referred to as the Commission~~) shall ~~make his~~ submit the person's request in a written petition ~~addressed~~
8 to the ~~Chairman of the Marine Fisheries Commission Chair and submitted~~ addressed to the Marine Fisheries
9 Commission Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC
10 28557. ~~Commission staff at:~~

11 ~~Marine Fisheries Commission~~

12 ~~Division of Marine Fisheries~~

13 ~~PO Box 769~~

14 ~~Morehead City, North Carolina 28557.~~

15 (b) The petition shall specify it is filed pursuant to G.S. 150B-20 and shall contain the following information:

- 16 (1) ~~the text of the proposed rule(s);~~
17 (2) ~~the statutory authority for the agency to promulgate the rule(s);~~
18 (3) ~~a statement of the reasons for adoption of the proposed rule(s);~~
19 (4) ~~a statement of the effect on existing rules;~~
20 (5) ~~copies of any documents and data supporting the proposed rule(s);~~
21 (6) ~~a statement of the effect of the proposed rule(s) on existing practices in the area involved, including~~
22 ~~an estimate of cost factors for persons affected by the proposed rule(s);~~
23 (7) ~~a description of those most likely to be affected by the proposed rule(s); and~~
24 (8) ~~the name(s) and address(es) of the petitioner(s).~~
25 (1) the text of the proposed rules for adoption or amendment;
26 (2) a statement of the reasons for adoption or amendment of the proposed rules, or the repeal of existing
27 rules;
28 (3) a statement of the effect of the requested rule changes on:
29 (A) existing rules;
30 (B) existing practices in the area involved; and
31 (C) those most likely to be affected by the requested rule changes; and
32 (4) the name and address of the petitioner.

33 (c) The petitioner may include the following information within the request:

- 34 (1) the statutory authority for the agency to promulgate the rules;
35 (2) a statement of the cost factors for persons affected by the proposed rules;
36 (3) a statement explaining the computation of the cost factors;

1 (4) a description, including the names and addresses, if known, of those most likely to be affected by
2 the proposed rules; and

3 (5) documents and data supporting the proposed rules.

4 ~~(e) When petitions and supporting documents and data exceed 10 pages in length, 15 copies of the entire petition and~~
5 ~~any attachments shall be submitted.~~

6 (d) In its review of the proposed rules, the Commission shall consider:

7 (1) whether it has the authority to adopt the rules;

8 (2) the effect of the proposed rules on existing rules, programs, and practices;

9 (3) probable costs and cost factors of the proposed rules; and

10 (4) the impact of the rules on the public and regulated entities.

11 ~~(d)(e) Petitions—A petition~~ failing to contain the required information shall be returned by the Marine Fisheries
12 Commission ~~Chairman.~~ Chair.

13
14 *History Note: Authority G.S. 113-134; 113-182; 113-182.1; 113-201; 143B-289.51; 143B-289.52; 150B-20;*
15 *Eff. April 1, 1999;*
16 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0302 is readopted as published in 36:07 NCR 501 as follows:

2
3 **15A NCAC 03P .0302 REVIEW OF RULEMAKING PETITIONS BY A COMMITTEE OF THE**
4 **COMMISSION**

5 (a) The Marine Fisheries Commission ~~Chairman~~Chair may refer ~~duly submitted petitions~~complete petitions, as set
6 forth in Rule .0301 of this Section, to the appropriate standing advisory ~~committee(s)~~committees or other advisory
7 ~~committee(s)~~committees of the Commission for review and recommended action. Copies of petitions for rulemaking
8 shall be distributed to the Commission members when referred to a committee of the Commission.

9 (b) ~~The Chairman~~Within 10 days of the assignment of the complete petition, the Chair of the Committee assigned to
10 review a submitted petition for rulemaking shall announce the date of a meeting to consider the ~~petition within 10~~
11 ~~days of the assignment of the~~petition.

12 (c) At least 15 days before the Committee meeting, the Committee ~~Chairman~~Chair shall send notice of the Committee
13 meeting to the petitioner, members of the Commission, and persons who have requested notice of petitions for
14 rulemaking.

15 (d) ~~The~~If the petition is referred to a Committee, the petitioner shall be afforded the opportunity to present the petition
16 for rulemaking to the Committee. The Fisheries Director, through Division of Marine Fisheries staff, or their legal
17 counsel may make a presentation to the Committee.

18 (e) The Committee Chair shall allow one interested person to present the viewpoint of those who oppose initiating
19 rulemaking. The Committee Chair may determine whether additional interested persons shall make oral presentations
20 before the Committee.

21 ~~(e)(f) Interested~~At least 10 days before the Committee meeting, interested persons ~~must~~shall request the opportunity
22 to make a presentation to the ~~Committee(s)~~Committees through the ~~Committee(s) chair(s)~~Chairs of the Committees.
23 The request shall:

- 24 (1) state the interest of the ~~person~~person;
25 (2) state the ~~person=s~~person's position on the petition for ~~rulemaking, rulemaking;~~ and
26 (3) be accompanied by supporting materials.

27 ~~The Chairman of the Committee will determine whether additional interested persons make oral presentations before~~
28 ~~the Committee.~~

29 ~~(f) The Chairman of the Committee will determine whether a public meeting should be conducted by the Committee~~
30 ~~before it makes a recommendation on the petition for rulemaking.~~

31 (g) During the ~~Committee=s~~Committee's review, members of the Commission, other than Committee members, who
32 are present may participate as a member of the Committee in discussions of the petition but may not vote on the
33 recommended action on the petition.

34
35 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52; 150B-20;*

36 *Eff. April 1, 1999;*

37 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0303 is readopted as published in 36:07 NCR 501-502 as follows:

2
3 **15A NCAC 03P .0303 PRESENTATION OF RULEMAKING PETITIONS TO THE COMMISSION**

4 (a) ~~Petitions~~ A complete petition for rulemaking, when deemed complete by the Marine Fisheries Commission
5 Chairman, as set forth in Rule .0301 of this Section, shall be presented to the Marine Fisheries Commission for its
6 consideration and determination at the next regularly scheduled meeting of the Commission.

7 (b) If the petition for rulemaking was reviewed by a Committee pursuant to Rule .0302 of this Section, the petition
8 and the Committee's recommended action shall be presented through the Chair of the Committee or other designated
9 member of the Committee during the business session of the Commission. Unless the Commission Chair rules
10 otherwise, discussion on the petition shall be limited to the members of the Commission, legal counsel to the
11 Commission, the Fisheries Director, Division of Marine Fisheries staff, legal counsel to the Department of
12 Environmental Quality, the petitioner, and the petitioner's legal counsel.

13 (c) For a petition not referred to a Committee, the Commission Chair shall allow one interested person to present the
14 viewpoint of those who oppose initiating rulemaking. The Commission Chair may determine whether additional
15 interested persons shall make oral presentations before the Commission. At least 10 days before the Commission
16 meeting, interested persons shall request the opportunity to make a presentation to the Commission through the
17 Commission Chair. The request shall:

- 18 (1) state the interest of the person;
19 (2) state the person's position on the petition for rulemaking; and
20 (3) be accompanied by supporting materials.

21 ~~(b)(d)~~ Within 120 days following submission of the petition requesting rulemaking, the Marine Fisheries Commission
22 shall:

- 23 (1) grant the petition in writing, notify the petitioner in writing, and initiate rulemaking proceedings in
24 accordance with G.S. 150B-20 and notify the person(s) who submitted the petition of the decision
25 in writing; 150B-20; or
26 (2) deny the petition in writing, stating the reason or reasons for the denial, and send the written denial
27 to the person(s) person or persons who submitted the petition.

28
29 *History Note: Authority G.S. 113-134; 113-182; ~~143B-289.51~~; 143B-289.52; 150B-20;*
30 *Eff. April 1, 1999;*
31 *Readopted Eff. May 1, 2022.*

1 15A NCAC 03P .0304 is repealed through readoption as published in 36:07 NCR 502 as follows:

2
3 **15A NCAC 03P .0304 RECURSE TO DENIAL OF THE PETITION**

4
5 *History Note: Authority G.S. 113-134; 113-182; 143B-289.51; 150B-20;*

6 *Eff. April 1, 1999;*

7 *Repealed Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03R .0110

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:

Throughout, what is the "COLREG Demarcation Line"? Will your regulated public know?

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

Brian Liebman
Commission Counsel
Date submitted to agency: 4/4/22

1 15A NCAC 03R .0110 is amended as published in 36:07 NCR 502-508 as follows:

2
3 **15A NCAC 03R .0110 CRAB SPAWNING SANCTUARIES**

4 The crab spawning sanctuaries ~~within which the taking of crabs may be restricted or prohibited are described as~~
5 ~~follows:~~ referenced in 15A NCAC 03L .0205 are delineated in the following coastal fishing waters:

6 (1) in Areas from Barden Inlet and North:

7 ~~(1)(a) In in the Oregon Inlet Area. Beginning Area: beginning~~ at a point on the Atlantic Ocean
8 shore of Bodie Island 35° 47.7054' N - 75° 32.3522' W; running northeasterly to a point in
9 the Atlantic Ocean 35° 47.9833' N - 75° 31.8500' W; running southerly to a point in the
10 ocean 35° 46.3500' N - 75° 30.6666' W; running westerly to a point on the Atlantic Ocean
11 shore at 35° 46.1037' N - 75° 31.2785' W; running northerly along the Atlantic shore of
12 Pea Island to and around South Point and continuing southerly along the shore of Pamlico
13 Sound to a point on the south point of Eagle Nest Bay at 35° 43.7085' N - 75° 30.8009' W;
14 running westerly to a point in Pamlico Sound at 35° 43.7100' N - 75° 32.2113' W; running
15 northerly to a point 35° 47.3992' N - 75° 34.1650' W in Pamlico Sound; running northerly
16 to a point on Bodie Island ~~35° 48.5740' N - 75° 33.8722' W;~~ 35° 48.7740' N - 75° 33.8722'
17 W; running southerly along the shore to and around North Point at Oregon Inlet and then
18 northerly on the Atlantic shore to the point of beginning;

19 ~~(2)(b) In in the Hatteras Inlet Area. Beginning Area: beginning~~ at a point on the Pamlico Sound
20 shoreline of Hatteras Island 35° 12.0846' N - 75° 43.3514' W; running northwesterly to a
21 point in Pamlico Sound 35° 13.6361' N - 75° 45.4451' W; running southwestly to a point
22 near Outer Green Island 35° 11.0794' N - 75° 48.4440' W; running southeasterly to a point
23 on the Pamlico Sound shore of Ocracoke Island 35° 10.7004' N - 75° 47.9094' W; running
24 northeasterly along the shoreline to a point on the northeastern tip of Ocracoke Island 35°
25 11.2340' N - 75° 46.3051' W; running southeasterly to a point in the Atlantic Ocean at 35°
26 10.6644' N - 75° 44.5221' W; running northeasterly to a point on the ocean shoreline of
27 Hatteras Island ~~35° 11.7894' N - 75° 43.5946' W;~~ 35° 11.7895' N - 75° 43.5947' W;
28 running southwestly around the tip of Hatteras Island to the point of beginning;

29 ~~(3)(c) In in the Ocracoke Inlet Area. Beginning Area: beginning~~ at a point on Ocracoke Island
30 35° 06.2555' N - 75° 59.3722' W; running westerly through Shellcastle Island to a point in
31 Pamlico Sound 35° 05.8599' N - 76° 04.3639' W; running southerly to a point on
32 Portsmouth Island ~~35° 03.7378' N - 76° 04.7850' W;~~ 35° 03.7379' N - 76° 04.7850' W;
33 running northeasterly along the shore of Pamlico Sound around the western side of
34 Ocracoke Inlet and southwestly along the shore of the Atlantic Ocean to a point 35°
35 03.0500' N - 76° 03.0833' W; running southeasterly offshore to a point in the Atlantic
36 Ocean 35° 02.6333' N - 76° 02.7166' W; running northeasterly to a point in the ocean 35°
37 03.9666' N - 75° 59.3000' W; running northwesterly to a point on the Atlantic shore of

Ocracoke Island 35° 04.7402' N - 75° 59.7124' W; running southwesterly along the shore around the eastern side of Ocracoke Inlet and northeasterly along the shore to the point of beginning;

(4)(d) ~~In the Drum Inlet Area. Beginning at a point on the Core Sound shore of Core Banks 34° 52.81101' N - 76° 17.1780' W; running northwesterly to a point in Core Sound 34° 53.7347' N - 76° 18.0439' W; running southwesterly to a point in Core Sound 34° 50.8286' N - 76° 21.2515' W; running southeasterly to a point on the Core Sound shore of Core Banks 34° 50.1496' N - 76° 20.3924' W; following the shoreline in a northeasterly direction around the western side of Drum Inlet then along the Atlantic Ocean shoreline to a point on Core Banks 34° 50.0049' N - 76° 20.3741' W; running southeasterly to a point in the Atlantic Ocean 34° 49.4995' N - 76° 19.8407' W; running northeasterly to a point in the Atlantic Ocean 34° 52.2167' N - 76° 16.7476' W; running northwesterly to a point on the ocean shore of Core Banks 34° 52.6147' N - 76° 17.0705' W; running southwesterly toward and around the eastern side of Drum Inlet, then in a northeasterly direction along the Core Sound shore of Core Sound to the point of beginning; Ophelia and Drum Inlet Area: beginning at a point on the Core Sound shore of Core Banks 34° 51.7718' N - 76° 18.5093' W; running northwesterly to a point in Core Sound 34° 52.3431' N - 76° 19.1661' W; running southwesterly to a point near Marker "27" in Core Sound 34° 50.6411' N - 76° 22.0094' W; running southwesterly to a point in Core Sound 34° 49.0120' N - 76° 23.0288' W; running southeasterly to a point on the Core Sound shore of Core Banks 34° 48.6143' N - 76° 22.3033' W; following the shoreline in a northeasterly direction around the western side of Ophelia Inlet then along the Atlantic Ocean shoreline southwesterly to a point on Core Banks 34° 48.9349' N - 76° 21.4582' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Core Banks 34° 51.6790' N - 76° 18.3829' W; running southwesterly along the Atlantic Ocean shoreline toward and around the eastern side of Ophelia Inlet, then northeasterly along the Core Sound shore of Core Banks to the point of beginning; and~~

(5)(c) ~~In the Bardens Inlet Area. Beginning at a point on Core Banks near the southern side of Hogpen Bay 34° 40.7047' N - 76° 29.6108' W; running westerly to a point near Marker "35" at 34° 40.7071' N - 76° 31.5922' W; running southwesterly to a point on Shackleford Banks 34° 38.9974' N - 76° 32.4858' W; running southeasterly around the eastern end of Shackleford Banks and then northwesterly along the ocean shoreline to a point on shore 34° 38.5608' N - 76° 32.6863' W; running southwesterly through Buoy "4" to Buoy "2" at the end of the Cape Lookout Jetty 34° 37.1272' N - 76° 33.7381' W; running southeasterly to the base of the Cape Lookout Jetty 34° 36.7836' N - 76° 33.1569' W; running northerly to the end of Power Squadron Spit, around Lookout Bight and northerly up Core Banks to~~

~~the point of beginning.~~ Barden Inlet Area: beginning at a point on the Core Sound shore of Core Banks 34° 40.7131' N – 76° 28.9495' W; running northwesterly to a point on Harkers Island 34° 41.0674' N – 76° 31.5834' W; running southwesterly to a point on Shackleford Banks 34° 39.5418' N - 76° 34.0451' W; following the shoreline in southeasterly direction around the northern side of Barden Inlet then along the Atlantic Ocean shoreline northwesterly to a point on Shackleford Banks 34° 38.7748' N - 76° 32.8463' W; running southwesterly to a point in the Atlantic Ocean 34° 38.2938' N - 76° 33.5130' W; running southerly to a point near Buoy "2" at the end of the Cape Lookout Jetty in the Atlantic Ocean 34° 37.1253' N - 76° 33.7446' W; running southeasterly to a point on Cape Lookout 34° 36.7229' N - 76° 33.0514' W; running northerly along the Atlantic Ocean shoreline toward and around the southern side of Barden Inlet to a point on Cape Lookout 34° 36.5492' N - 76° 32.2416' W, then running northeasterly along the Core Sound shore of Core Banks to the point of beginning.

(2) in Areas from Beaufort Inlet and West and South:

(a) Beaufort Inlet Area: beginning at a point on the Back Sound side of Shackleford Banks 34° 41.0017' N - 76° 37.7538' W; running northerly to a point on Carrot Island 34° 42.3553' N - 76° 37.1124' W; running westerly along the shoreline to a point on Carrot Island 34° 42.6291' N - 76° 38.6608' W; running westerly to a point on Town Marsh 34° 42.6394' N - 76° 38.7442' W; running westerly along the shoreline to a point on Town Marsh 34° 42.7915' N - 76° 40.2489' W; running westerly to a point on Bird Shoal 34° 42.7694' N - 76° 40.4764' W; running northerly to a point on Pivers Island 34° 42.9294' N - 76° 40.4301' W; running northerly along the shoreline to a point on Pivers Island 34° 43.1892' N - 76° 40.3873' W; running northerly to a point on Radio Island 34° 43.2344' N - 76° 40.4099' W; running along the shoreline to a point on Radio Island 34° 43.2770' N - 76° 41.2422' W; running along the south side of the Highway 70 Bridge over the Newport River to a point near the Morehead City Port 34° 43.2419' N - 76° 41.7067' W; running southerly along the shore to a point near the Morehead City Port 34° 42.9560' N - 76° 41.6986' W; running southwesterly to a point on Goat Island 34° 42.7185' N - 76° 41.9145' W; running southeasterly along the shoreline to a point on Goat Island 34° 42.2031' N - 76° 41.3923' W; running southwesterly to a point on shore near Fort Macon State Park 34° 42.1709' N - 76° 41.3693' W; following the shoreline in a southwesterly direction around the western shoreline of Beaufort Inlet then along the Atlantic Ocean shoreline to a point on Bogue Banks 34° 41.6480' N - 76° 42.0986' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running easterly then southeasterly and returning to shore parallel to a point on Shackleford Banks 34° 40.6129' N - 76° 38.1521' W; running northwesterly along the

Atlantic Ocean shoreline around the eastern side of Beaufort Inlet, then running easterly along the Back Sound shore of Shackleford Banks to the point of beginning;

(b) Bogue Inlet Area: beginning at a point on Bogue Banks 34° 39.1828' N - 77° 05.8503' W; running northerly to a point 34° 40.1526' N - 77° 05.6346' W; running northerly to a point 34° 40.2531' N - 77° 05.6385' W; running westerly to a point 34° 40.2550' N - 77° 05.9450' W; running southerly to a point 34° 40.1732' N - 77° 05.9616' W; running southerly to a point 34° 39.9629' N - 77° 06.1038' W; running southerly to a point 34° 39.5209' N - 77° 06.4042; running southwestly to a point 34° 39.0599' N - 77° 07.3287' W; running southerly to a point on Bear Island 34° 38.3856' N - 77° 07.2373'; following the shoreline in a northeasterly direction around the western shoreline of Bogue Inlet then along the Atlantic Ocean shoreline to a point on Bear Island 34° 37.5607' N - 77° 09.5752' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Bogue Banks 34° 38.7491' N - 77° 05.2548' W; running southwestly along the Atlantic Ocean shoreline around the eastern side of Bogue Inlet to a point 34° 38.7686' N - 77° 06.0596' W; running northerly to a point 34° 38.9900' N - 77° 06.1269' W, then running northeasterly to the point of beginning;

(c) Bear Inlet Area: beginning at a point on Bear Island 34° 37.7852' N - 77° 09.7128' W; running northerly to a point 34° 37.8817' N - 77° 09.7698' W; running southwestly to a point 34° 37.6695' N - 77° 10.4134' W; running northwestly to a point 34° 37.8105' N - 77° 10.5849' W; running southwestly to a point on Saunders Island 34° 37.4531' N - 77° 11.0624' W; running southeasterly to a point on Browns Island 34° 37.2216' N - 77° 10.8461' W; following the shoreline in northeasterly direction around the western shoreline of Bear Inlet then along the Atlantic Ocean shoreline to a point on Browns Island 34° 36.1188' N - 77° 13.0193' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Bear Island 34° 37.5607' N - 77° 09.5752' W; running southwestly along the Atlantic Ocean shoreline around the eastern shoreline of Bear Inlet, then northeasterly along the shore to the point of beginning;

(d) Browns Inlet Area: beginning at a point on Browns Island 34° 35.8978' N - 77° 13.8409' W; running northwestly to a point 34° 36.0015' N - 77° 13.9606' W; running westerly to a point 34° 35.9360' N - 77° 14.1340' W; running southerly to a point 34° 35.6631' N - 77° 14.1270' W; following the shoreline in a northeasterly direction around the western shoreline of Browns Inlet then along the Atlantic Ocean shoreline to a point 34° 33.7692' N - 77° 16.8043' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Browns Island 34° 36.1188' N -

77° 13.0193' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shoreline of Browns Inlet, then northerly along the shore to the point of beginning;

(e) New River Inlet Area: beginning at a point on shore on the south side of Wards Channel 34° 32.2064' N - 77° 19.8404' W; running northwesterly to a point 34° 33.1386' N - 77° 20.8902' W; running westerly to a point 34° 33.1097' N - 77° 21.1013' W; running southeasterly to a point 34° 32.3473' N - 77° 20.6013' W; running southwesterly to a point on Topsail Island 34° 32.1096' N - 77° 20.8447' W; following the shore line in a southerly direction around the western shoreline of New River Inlet then along the Atlantic Ocean shoreline to a point 34° 31.3352' N - 77° 21.1694' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point 34° 33.7692' N - 77° 16.8043' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shoreline of New River Inlet, then northeasterly along the shore to the point of beginning;

(f) Topsail Inlet Area: beginning at a point on Topsail Island 34° 21.9619' N - 77° 37.8381' W; running northwesterly to a point in Topsail Sound 34° 22.1071' N - 77° 37.9944' W; running southwesterly to a point near Marker "5" 34° 21.7185' N - 77° 38.3499' W; running southwesterly to a point near Marker "3" 34° 21.5798' N - 77° 38.5928' W; running southwesterly to a point near Marker "1" 34° 21.1055' N - 77° 39.1749' W; running northwesterly to a point 34° 21.2065' N - 77° 39.6127' W; running southwesterly to a point 34° 20.7450' N - 77° 40.3682' W; running southerly to a point 34° 20.3011' N - 77° 40.3728' W; following the shoreline in a northeasterly direction around the western shoreline of Topsail Inlet then along the Atlantic Ocean shoreline to a point on Lea-Hutaff Island 34° 20.0228' N - 77° 40.4332' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore parallel to a point on Topsail Island 34° 20.8762' N - 77° 38.9403' W; running southwesterly along the Atlantic Ocean shoreline around the eastern shore of Topsail Inlet, then northeasterly along the Topsail Sound shore of Topsail Island to the point of beginning;

(g) Rich Inlet Area: beginning at a point on Lea-Hutaff Island 34° 18.1292' N - 77° 42.6492' W; running northwesterly to a point 34° 18.2851' N - 77° 42.9352' W; running southwesterly to a point 34° 18.0190' N - 77° 43.2798' W; running southerly to a point on Figure Eight Island 34° 17.5649' N - 77° 43.1649' W; following the shoreline in an easterly direction around the southern shoreline of Rich Inlet then along the Atlantic Ocean shoreline to a point on Figure Eight Island 34° 17.2243' N - 77° 43.2491' W; extending 100 yards seaward from the shoreline from the mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore

1 parallel to a point on Lea-Hutaff Island 34° 18.1251' N - 77° 42.4352' W; running
2 southwesterly along the Atlantic Ocean shoreline around the northern shoreline of Rich
3 Inlet, then northeasterly along the shore to the point of beginning;

4 (h) Mason Inlet Area: beginning at a point on Figure Eight Island 34° 14.9536' N - 77° 45.9567'
5 W; running northwesterly to a point 34° 15.0409' N - 77° 46.1766' W; running southwesterly
6 to a point 34° 14.8657' N - 77° 46.4044' W; running southwesterly to a point 34° 14.7256'
7 N - 77° 46.5348' W; running southerly to a point on Shell Island 34° 14.2036' N - 77°
8 46.5189' W; following the shoreline in a northeasterly direction around the southern
9 shoreline of Mason Inlet then along the Atlantic Ocean shoreline to a point on Shell Island
10 34° 14.1375' N - 77° 46.4263' W; extending 100 yards seaward from the shoreline from the
11 mean high water line and the COLREG Demarcation Line in the Atlantic Ocean and
12 running northeasterly and returning to shore parallel to a point on Figure Eight Island 34°
13 14.8474' N - 77° 45.7857' W; running southwesterly along the Atlantic Ocean shoreline
14 around the northern shoreline of Mason Inlet, then northeasterly along the shore to the point
15 of beginning;

16 (i) Masonboro Inlet Area: beginning at a point on Wrightsville Beach 34° 11.3446' N - 77°
17 48.7458' W; running northwesterly to a point 34° 11.4604' N - 77° 49.0510' W; running
18 northwesterly to a point 34° 11.5164' N - 77° 49.2368' W; running northwesterly to a point
19 34° 11.5255' N - 77° 49.2652' W; running northwesterly to a point 34° 11.5700' N - 77°
20 49.4425' W; running southwesterly to a point 34° 11.3553' N - 77° 49.5924' W; running
21 easterly to a point 34° 11.3737' N - 77° 49.4628' W; running easterly to a point 34° 11.3737'
22 N - 77° 49.4345' W; following the shoreline southeasterly to a point 34° 11.2551' N - 77°
23 49.2287' W; running southerly to a point on Masonboro Island 34° 10.8451' N - 77°
24 49.0242' W; following the shoreline in an easterly direction around the southern shoreline
25 of Masonboro Inlet through a point at the base of the jetty 34° 10.8814' N - 77° 48.7074'
26 W; running southwesterly along the Atlantic Ocean shoreline to a point on Masonboro
27 Island 34° 10.5221' N - 77° 49.1658' W; extending 100 yards seaward from the shoreline
28 and the Atlantic Ocean side of the jetties from the mean high water line and the COLREG
29 Demarcation Line in the Atlantic Ocean and returning to shore parallel to a point 34°
30 11.5753' N - 77° 48.3061' W; running southwesterly along the Atlantic Ocean shoreline
31 through a point at the base of the jetty 34° 11.2076' N - 77° 48.5555' W, around the northern
32 shoreline of Masonboro Inlet then northeasterly along the shore to the point of beginning;

33 (j) Carolina Beach Inlet Area: beginning at a point on Masonboro Island 34° 04.8168' N - 77°
34 52.8796' W; running southerly to a point 34° 04.4997' N - 77° 53.0080' W; following the
35 shoreline in an easterly direction to a point 34° 04.5022' N - 77° 52.7982' W; running
36 easterly to a point on Pleasure Island 34° 04.5102' N - 77° 52.7340' W; following the
37 shoreline in an easterly direction around the southern shoreline of Carolina Beach Inlet

1 then along the Atlantic Ocean shoreline to a point on Pleasure Island 34° 04.3505' N - 77°
2 52.5048' W; extending 100 yards seaward from the mean high water line and the COLREG
3 Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore
4 parallel to a point on Masonboro Island 34° 05.2151' N - 77° 52.1472' W; running
5 southeasterly along the Atlantic Ocean shoreline around the northern shoreline of Carolina
6 Beach Inlet, then westerly along the shore to the point of beginning;

7 (k) Cape Fear River Inlet Area: beginning at a point on Bald Head Island 33° 52.7072' N - 78°
8 00.0449' W; running northeasterly to a point 33° 53.6135' N - 77° 59.2549' W; running
9 northerly to a point 33° 54.4086' N - 77° 59.0330' W; running northerly to a point 33°
10 54.8399' N - 77° 58.9115' W; running westerly to a point at Southport 33° 54.9503' N - 78°
11 01.3581' W; running southerly to a point on Fort Caswell 33° 53.7948' N - 78° 01.0782' W;
12 following the shoreline in a southerly direction around the western shoreline of Cape Fear
13 River Inlet then westerly along the Atlantic Ocean shoreline to a point on Caswell Beach
14 33° 53.4293' N - 78° 01.7604' W; extending 100 yards seaward from the mean high water
15 line and the COLREG Demarcation Line in the Atlantic Ocean and running southerly to
16 point near Buoy "12" 33° 51.8213' N - 78° 01.0179' W; running southeasterly to a point 33°
17 51.1999' N - 78° 00.0632' W; running northeasterly to a point on Bald Head Island 33°
18 51.3488' N - 77° 59.9222' W; running northwesterly along the Atlantic Ocean shoreline
19 around the eastern shore of Cape Fear River Inlet, then northeasterly along the shore to the
20 point of beginning;

21 (l) Lockwoods Folly Inlet Area: beginning at a point on Oak Island 33° 54.9392' N - 78°
22 13.6711' W; running northerly to a point on Sheep Island 33° 55.0837' N - 78° 13.6753' W;
23 following the shoreline northwesterly to a point on Sheep Island 33° 55.2263' N - 78°
24 13.9395' W; running westerly to a point on Holden Beach 33° 55.1794' N - 78° 14.3132'
25 W; following the shoreline in a southwesterly direction around the western shore of
26 Lockwoods Folly Inlet then along the Atlantic Ocean shoreline to a point on Holden Beach
27 33° 54.8695' N - 78° 14.6180' W; running southerly to a point in the Atlantic Ocean 33°
28 54.6076' N - 78° 14.6026' W; running easterly to a point in the Atlantic Ocean 33° 54.5564'
29 N - 78 14.0529' W; running northerly to a point on Oak Island 33° 54.8853' N - 78° 14.0041'
30 W; running northwesterly along the Atlantic Ocean shoreline around the eastern shore of
31 Lockwoods Folly Inlet, then easterly along the shore to the point of beginning;

32 (m) Shallotte Inlet Area: beginning at a point near Monks Island 33° 54.5773' N - 78° 22.8077'
33 W; running southwesterly to a point on Ocean Isle Beach 33° 54.2436' N - 78° 23.2758' W;
34 following the shoreline in a southerly direction around the western shore of Shallotte Inlet
35 then along the Atlantic Ocean shoreline to a point on Ocean Isle Beach 33° 53.8151' N -
36 78° 23.7753' W; extending 100 yards seaward from the mean high water line and the
37 COLREG Demarcation Line in the Atlantic Ocean and running easterly and returning to

1 shore parallel to a point on Big Beach 33° 54.1103' N - 78° 21.9540' W; running westerly
2 along the Atlantic Ocean shoreline around the eastern shore of Shallotte Inlet, then
3 northerly along the shore to the point of beginning; and
4 (n) Tubbs Inlet Area: beginning at a point on the Jinks Creek shore of Ocean Isle Beach 33°
5 52.5844' N - 78° 28.6583' W; running northerly to a point 33° 52.7734' N - 78° 28.7428' W;
6 running southwesterly to a point 33° 52.6815' N - 78° 29.0080' W; running southwesterly
7 to a point on the Eastern Channel shore of Sunset Beach 33° 52.3878' N - 78° 29.1301' W;
8 following the shoreline in an easterly direction around the western shore of Tubbs Inlet
9 then along the Atlantic Ocean shoreline to a point on Sunset Beach 33° 52.3250' N - 78°
10 29.1865' W; extending 100 yards seaward of the mean high water line and the COLREG
11 Demarcation Line in the Atlantic Ocean and running northeasterly and returning to shore
12 parallel to a point on Ocean Isle Beach 33° 52.5676' N - 78° 28.4027' W; running
13 southwesterly along the Atlantic Ocean shoreline around the eastern shore of Tubbs Inlet
14 then in a northerly direction along the shore to the point of beginning.
15

16 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*
17 *Eff. January 1, 1991;*
18 *Amended Eff. September 1, 1991;*
19 *Recodified from 15A NCAC 03R .0010 Eff. December 17, 1996;*
20 *Amended Eff. August 1, 2004;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
22 *2018;*
23 *Amended Eff. (Pending legislative review of 15A NCAC 03L .0205).*

1 15A NCAC 03R .0111 is amended as published in 36:07 NCR 508 as follows:

2
3 **15A NCAC 03R .0111 PURSE SEINES PROHIBITED**

4 The areas referenced in 15A NCAC 03J .0105(b)(1) are delineated in the following coastal fishing waters of the
5 Atlantic Ocean:

6 ~~(a)(1) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from in the~~
7 Atlantic Ocean within an area bounded by a line extending from a point near the Bald Head
8 Lighthouse ~~(33° 52.3500' N - 78° 00.3000' W)~~ 33° 52.3500' N - 78° 00.3000' W; running
9 southwesterly to a point near the Cape Fear River ship channel buoy "9" ~~(33° 51.5500' N - 78°~~
10 ~~01.5500' W)~~, then 33° 51.5500' N - 78° 01.5500' W; running northwesterly to a point near the foot
11 of the Yaupon Beach Fishing Pier on Oak Island ~~(33° 54.2000' N - 78° 04.9333' W)~~, then 33°
12 54.2000' N - 78° 04.9333' W; following the shoreline easterly to a point near Fort Caswell ~~(33°~~
13 ~~53.2166' N - 78° 01.1833' W)~~, then 33° 53.2166' N - 78° 01.1833' W; running southeasterly ~~back~~
14 to the point of origin beginning;

15 ~~(b)(2) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from in the~~
16 Atlantic Ocean from May 1 through September 30:

17 ~~(1)(a) In that in the~~ area bounded by a line beginning at a point onshore at the northern boundary
18 of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 1.5 nautical miles to a
19 point offshore 36° 13.8536' N - 75° 44.3814' W; running southerly parallel to and 1.5
20 nautical miles from the ocean beach to a point 1.5 nautical miles offshore at the northern
21 town limits of Southern Shores 36° 09.0673' N - 75° 44.2225' W; running westerly to a
22 point onshore at the northern town limits of Southern Shores 36° 09.0673' N - 75° 42.2416'
23 W; and

24 ~~(2)(b) In that in the~~ area bounded by a line beginning at a point at the southern limits of Kitty
25 Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 1.5 nautical miles to a point
26 offshore 36° 03.3187' N - 75° 38.8029' W; running southerly parallel to and 1.5 nautical
27 miles from the ocean beach to a point 1.5 nautical miles offshore of the rock jetty south of
28 Oregon Inlet 35° 46.4052' N - 75° 29.2379' W; running westerly to a point onshore at the
29 rock jetty south of Oregon Inlet 35° 46.4052' N - 75° 31.5369' ~~W.W~~; and

30 ~~(c)(3) It is unlawful to take menhaden or Atlantic thread herring by the use of a purse seine from the in the~~
31 Atlantic Ocean from October 1 through December 31:

32 ~~(1)(a) In that in the~~ area bounded by a line beginning at a point onshore at the northern boundary
33 of Dare County 36° 13.8536' N - 75° 46.3914' W; running easterly 0.5 nautical miles to a
34 point offshore 36° 13.8536' N - 75° 45.6977' W; running southerly parallel to and 0.5
35 nautical miles off the ocean beach to a point 0.5 nautical miles offshore at the northern
36 town limits of Southern Shores 36° 09.0673' N - 75° 43.5514' W; running westerly 0.5

1 nautical miles to a point onshore at the northern town limits of Southern Shores 36°
2 09.0673' N - 75° 44.2416' W; and

3 ~~(2)(b) In that in the~~ area bounded by a line beginning at a point at the southern limits of Kitty
4 Hawk 36° 03.3187' N - 75° 40.9503' W; running easterly 0.5 nautical miles to a point
5 offshore 36° 03.3187' N - 75° 40.2033' W; running southerly parallel to and 0.5 nautical
6 ~~mile-miles~~ off the ocean beach to a point offshore at the rock jetty south of Oregon Inlet
7 35° 46.4052' N - 75° 30.6134' W; running westerly to a point onshore at the rock jetty south
8 of Oregon Inlet 35° 46.4052' N - 75° 31.5369' W.
9

10 *History Note: Authority G.S. 113-134; 113-182; 143B-289.52;*

11 *Eff. January 1, 1991;*

12 *Amended Eff. October 1, 1993;*

13 *Recodified from 15A NCAC 03R .0011 Eff. December 17, 1996;*

14 *Amended Eff. August 1, 2004;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
16 *2018;*

17 *Amended Eff. (Pending legislative review of 15A NCAC 03J .0105).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 03R .0118

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 general, I've noticed in other Rules establishing management areas for other species (see, for example, 03K .0103 for shellfish management areas), there is language defining the purpose of the management area. Is there similar language for crab harvest management areas? Is it 03L .0201? If so, I still don't see any "purpose" type language.

On line 5, why is the reference to 03J .0301 deleted? 03J .0301 was amended in this package, but the reference there to 03R .0118 remains.

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

1 15A NCAC 03R .0118 is amended as published in 36:07 NCR 508-509 as follows:

2
3 **15A NCAC 03R .0118 ~~EXEMPTED CRAB POT ESCAPE RING AREAS~~ CRAB HARVEST**
4 **MANAGEMENT AREAS**

5 The areas referenced in 15A NCAC ~~03J .0301(g)~~ 03L .0201(a) and (b) are delineated in the following coastal fishing
6 waters:

- 7 (1) ~~Pamlico Sound within the area described by a line beginning at a point 35° 43.7457' N 75°~~
8 ~~30.7014' W on the south shore of Eagles Nest Bay on Pea Island; running westerly to a point 35°~~
9 ~~42.9500' N 75° 34.1500' W; running southerly to a point 35° 39.3500' N 75° 34.4000' W; running~~
10 ~~southeasterly to a point 35° 35.8931' N 75° 31.1514' W in Chicamacomico Channel near Beacon~~
11 ~~"ICC"; running southerly to a point 35° 28.5610' N 75° 31.5825' W on Gull Island; running~~
12 ~~southwesterly to a point 35° 22.8671' N 75° 33.5851' W in Avon Channel near Beacon "1AV";~~
13 ~~running southwesterly to a point 35° 18.9603' N 75° 36.0817' W in Cape Channel near Beacon~~
14 ~~"2"; running westerly to a point 35° 16.7588' N 75° 44.2554' W in Rollinson Channel near Beacon~~
15 ~~"42RC"; running southwesterly to a point 35° 14.0337' N 75° 45.9643' W southwest of Oliver Reef~~
16 ~~near the quick flashing beacon; running westerly to a point 35° 09.3650' N 76° 00.6377' W in Big~~
17 ~~Foot Slough Channel near Beacon "14BF"; running southwesterly to a point 35° 08.4523' N 76°~~
18 ~~02.6651' W in Nine Foot Shoal Channel near Beacon "9"; running westerly to a point 35° 07.1000'~~
19 ~~N 76° 06.9000' W; running southwesterly to a point 35° 01.4985' N 76° 11.4353' W near Beacon~~
20 ~~"HL"; running southwesterly to a point 35° 00.2728' N 76° 12.1903' W near Beacon "1CS";~~
21 ~~running southerly to a point 34° 59.5027' N 76° 12.3204' W in Wainwright Channel immediately~~
22 ~~east of the northern tip of Wainwright Island; running southwesterly to a point 34° 59.3610' N 76°~~
23 ~~12.6040' W on Wainwright Island; running easterly to a point at 34° 58.7853' N 76° 09.8922' W~~
24 ~~on Core Banks; running easterly and northerly along the shoreline across the inlets following the~~
25 ~~COLREGS Demarcation line up the Outer Banks to the point of beginning.~~
26 Northern Region: All
27 Coastal Fishing Waters of the state north and east of a line extending southeast from the Highway
28 58 Bridge to a point offshore at 34° 36.3292' N - 77° 02.5940' W to the North Carolina/Virginia
29 state line.
(2) ~~Newport River, from April 1 through June 15 within the area described by a line beginning at a~~
30 ~~point 34° 49.5080' N 76° 41.4440' W; running westerly along the south side of the Highway 101~~
31 ~~Bridge over Core Creek to a point on the west shore 34° 49.5260' N 76° 41.5130' W; running along~~
32 ~~the shoreline of Newport River and its tributaries to a point 34° 49.3050' N 76° 44.2350' W; running~~
33 ~~westerly along the south side of the Highway 101 Bridge over Harlowe Canal to a point on the west~~
34 ~~shore 34° 49.2980' N 76° 44.2610' W; running along the shoreline of Newport River and its~~
35 ~~tributaries to a point 34° 45.2478' N 76° 46.4479' W; running southerly along the Inland Coastal~~
36 ~~Waters boundary line to a point 34° 45.1840' N 76° 46.4488' W; running along the shoreline of~~
37 ~~Newport River and its tributaries to a point 34° 43.2520' N 76° 41.6840' W; running easterly along~~

1 ~~the north side of the Highway 70 Bridge over Newport River to a point 34° 43.2840' N - 76° 41.2200'~~
2 ~~W; running along the shoreline of Newport River and its tributaries to a point 34° 43.3530' N - 76°~~
3 ~~40.2080' W; running easterly across Gallant Channel to a point 34° 43.3521' N - 76° 40.0871' W;~~
4 ~~running along the shoreline of Newport River and its tributaries back to the point of~~
5 ~~beginning.~~ Southern Region: All Coastal Fishing Waters of the State south and west of a line
6 extending southeast from the Highway 58 Bridge to a point offshore at 34° 36.3292' N - 77° 02.5940'
7 W to the North Carolina/South Carolina state line.

8
9 *History Note:* *Authority G.S. 113-134; 113-182; 143B-289.52;*

10 *Eff. April 1, 2014;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
12 *2018;*

13 *Amended Eff. (Pending legislative review of 15A NCAC 03L .0201).*

Burgos, Alexander N

Subject: FW: CRC Rules Submission - RRC
Attachments: Coastal Resources Commission - 15A NCAC 07H - 4.2022 Change Request.docx

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Friday, April 8, 2022 9:57 AM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Lopazanski, Mike <mike.lopezanski@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: CRC Rules Submission - RRC

Hi Lawrence,

Thank you. We are kindly requesting an extension of the period of review to allow additional time for staff to address your requests.

Thank you.

Jennifer

On Apr 7, 2022, at 5:18 PM, Duke, Lawrence <lawrence.duke@oah.nc.gov> wrote:

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Coastal 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

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: CRC Rules Submission - RRC
Attachments: Coastal Resources Commission - 15A NCAC 07H - 4.2022 Change Request.docx

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Thursday, April 7, 2022 5:19 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Lopazanski, Mike <mike.lopezanski@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: CRC Rules Submission - RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Coastal 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

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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: ALL 15A NCAC 7H RULES UNDER REVIEW

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:

Please explain how the readoption of these rules comply with G.S. 150B-21.2, particularly the timeliness of the submission of these rules to RRC.

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 7, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .1701

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:

On line 4, please change “and/or” to another conjunction not requiring a slash.

On line 6, please add an oxford comma after “northeasters”.

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 7, 2022

1 15A NCAC 07H .1701 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1701 PURPOSE**

4 This permit allows work necessary to protect property and/or prevent further damage to property caused by a sudden
5 or unexpected natural event or structural failure which imminently endangers life or structure. For the purposes of
6 this general permit, major storms such as hurricanes, northeasters or southwesters may be considered a sudden
7 unexpected natural event although such storms may be predicted and publicized in advance.

8
9 *History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1;*

10 *Eff. November 1, 1985;*

11 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .1702

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 both line 8 and twice on line 12, please add either “or her” or “or she” when using “his” or “he”.

Also, on line 9 please change “and/or” to another conjunction not requiring a slash.

In Paragraph (b), what is the standard used by the LPO to determine whether something constitutes a “minor development”?

In Subparagraph (d)(2), please add “and” after the semicolon.

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 7, 2022

1 15A NCAC 07H .1702 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1702 APPROVAL PROCEDURES**

4 (a) Any person wishing to undertake development in an area of environmental concern necessary to protect life or
5 endangered structures will notify the Division of Coastal Management or Local Permit Office (LPO) when a possible
6 emergency situation exists.

7 (b) The applicant may qualify for approval of work described in this permit after an onsite inspection by the LPO or
8 Division of Coastal Management Field Consultant and upon his findings that the proposed emergency work requires
9 a CAMA and/or Dredge and Fill permit. The LPO shall issue the permit if the required emergency measures constitute
10 minor development.

11 (c) Once the LPO or Consultant determines that the applicant's proposed project may qualify for an emergency permit,
12 he shall consult with the applicant and assist him in preparing an application. The applicant shall include a sketch
13 showing existing conditions and the proposed work.

14 (d) The applicant for an emergency permit must take all reasonable steps to notify adjacent riparian landowners of
15 the application, and prior to receiving a permit will certify by signing the permit the following:

16 (1) that a copy of the application and sketch has been served on all adjacent riparian landowners, or if
17 service of a copy was not feasible, that the applicant has explained the project to all adjacent riparian
18 landowners;

19 (2) that the applicant has explained to all adjacent riparian landowners that they have a right to oppose
20 the issuance of a permit by filing objections with the local CAMA permit officer or with the
21 Secretary of the Department of Environment, Health, and Natural Resources;

22 (3) that, as to adjacent riparian landowners not contacted, the applicant has made a reasonable attempt
23 to contact them and furnish them with the required information.

24 (e) All work authorized by this general permit will cease after thirty days from the date of issuance.

25
26 *History Note: Authority G.S. 113-229(c1); 113A-107(a),(b); 113A-113(b); 113A-118.1;*

27 *Eff. November 1, 1985;*

28 *Amended Eff. May 1, 1990;*

29 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .1703 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1703 PERMIT FEE**

4 The agency shall not charge a fee for permitting work necessary to respond to emergency situations except in the case
5 when a temporary erosion control structure is used. In those cases, the applicant shall pay a permit fee of four hundred
6 dollars (\$400.00) by check or money order made payable to the Department.

7
8 *History Note: Authority G.S. 113-229(cl); 113A-107(a),(b); 113A-113(b); 113A-118.1; 113A-119;*
9 *Eff. November 1, 1985;*
10 *Amended Eff. September 1, 2006; August 1, 2002; March 1, 1991; October 1, 1993;*
11 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .1704 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1704 GENERAL CONDITIONS**

4 (a) Work permitted by means of an emergency general permit shall be subject to the following limitations:

- 5 (1) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal
6 Management representative so that the scope of the proposed emergency work can be delineated.
7 (2) No work shall be permitted other than that which is necessary to protect against or reduce the
8 imminent danger caused by the emergency, to restore the damaged property to its condition
9 immediately before the emergency, or to re-establish public facilities or transportation corridors.
10 (3) Any permitted temporary erosion control projects shall be located no more than 20 feet waterward
11 of the imminently threatened structure or the right-of way in the case of roads, except as provided
12 under 15A NCAC 07H .0308. If a building or road is found to be imminently threatened and at
13 increased risk of imminent damage due to site conditions, such as a flat beach profile or accelerated
14 erosion, temporary erosion control structures may be located more than 20 feet waterward of the
15 structure being protected. In cases of increased risk of imminent damage, the location of the
16 temporary erosion control structures shall be determined by the Director of the Division of Coastal
17 Management or the Director's designee.
18 (4) Fill materials used in conjunction with emergency work for storm or erosion control shall be
19 obtained from an upland source. Excavation below MHW in the Ocean Hazard AEC may be allowed
20 to obtain material to fill sandbags used for emergency protection.
21 (5) This emergency general permit allows the use of oceanfront erosion control measures for all
22 oceanfront properties without regard to the size of the existing structure on the property or the date
23 of construction.

24 (b) Individuals shall allow authorized representatives of the Department of Environmental Quality to make inspections
25 to ensure that the activity being performed under authority of this emergency general permit is in accordance with
26 these Rules.

27 (c) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust
28 areas including estuarine waters.

29 (d) This permit shall not be applicable to proposed construction where the Department has determined, based on an
30 initial review of the application, that notice and review pursuant to G.S. 113A-119 is necessary because there are
31 unresolved questions concerning the proposed activity's impact on adjoining properties or on water quality, air quality,
32 coastal wetlands, cultural or historic sites, wildlife, fisheries resources, or public trust rights.

33 (e) This permit does not eliminate the need to obtain any other state, local, or federal authorization.

34 (f) Development carried out under this permit must be consistent with all local requirements, CAMA rules, and local
35 land use plans, storm hazard mitigation, and post-disaster recovery plans current at the time of authorization.

36
37 *History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-118; 113A-118.1;*

1 *Eff. November 1, 1985;*
2 *Amended Eff. December 1, 1991; May 1, 1990;*
3 *RRC Objection due to ambiguity Eff. May 19, 1994;*
4 *Amended Eff. April 1, 2019; May 1, 2010; August 1, 1998; July 1, 1994;*
5 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .1705

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 Part (a)(7)(B), please remove the “or” at the end.

In Subparagraph (a)(8), there is an extra “e” floating after “Once”. Please delete.

In Subparagraph (b)(2), please add an oxford comma after “Estuarine Waters”.

In Part (c)(1)(B), please change the period at the end to a semicolon.

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 7, 2022

1 15A NCAC 07H .1705 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1705 SPECIFIC CONDITIONS**

4 (a) Temporary Erosion Control Structures in the Ocean Hazard AEC.

- 5 (1) Permittable temporary erosion control structures shall be limited to sandbags placed landward of
6 mean high water and parallel to the shore.
- 7 (2) Temporary erosion control structures as defined in Subparagraph (1) of this Paragraph may be used
8 to protect only imminently threatened roads and associated right of ways, and buildings and their
9 associated septic systems. A structure is considered imminently threatened if its foundation, septic
10 system, or right-of-way in the case of roads is less than 20 feet away from the erosion scarp.
11 Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no
12 obvious erosion scarp may also be found to be imminently threatened when the Division determines
13 that site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent
14 damage to the structure.
- 15 (3) Temporary erosion control structures shall be used to protect only the principal structure and its
16 associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that
17 is allowed under 15A NCAC 07H .0309 as an exception to the erosion setback requirement.
- 18 (4) Temporary erosion control structures may be placed waterward of a septic system when there is no
19 alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the
20 structure being protected.
- 21 (5) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure
22 to be protected except to align with temporary erosion control structures on adjacent properties,
23 where the Division has determined that gaps between adjacent erosion control structures may result
24 in an increased risk of damage to the structure being protected. The landward side of such temporary
25 erosion control structures shall not be located more than 20 feet waterward of the structure to be
26 protected or the right-of-way in the case of roads. If a building or road is found to be imminently
27 threatened and at increased risk of imminent damage due to site conditions such as a flat beach
28 profile or accelerated erosion, temporary erosion control structures may be located more than 20
29 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the
30 location of the temporary erosion control structures shall be determined by the Director of the
31 Division of Coastal Management or the Director's designee.
- 32 (6) Temporary erosion control structures may remain in place for up to eight years for a building and
33 its associated septic system, or a bridge or a road. The property owner shall be responsible for
34 removal of any portion of the temporary erosion control structure exposed above grade within 30
35 days of the end of the allowable time period.
- 36 (7) For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment
37 or an inlet relocation or stabilization project if it:

- 1 (A) has an active CAMA permit, where necessary, approving such project; or
2 (B) has been identified by a U.S. Army Corps of Engineers' Beach Nourishment
3 Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction
4 Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a
5 commitment of local or federal money, when necessary; or
6 (C) has received a favorable economic evaluation report on a federal project; or
7 (D) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or
8 persons meeting applicable State occupational licensing requirements and initiated by a
9 local government or community with a commitment of local or state funds to construct the
10 project or the identification of the financial resources or funding bases necessary to fund
11 the beach nourishment or inlet relocation or stabilization project.

12 If beach nourishment, inlet relocation or stabilization is rejected by the sponsoring agency or
13 community, or ceases to be actively planned for a section of shoreline, the time extension is void
14 for that section of beach or community and existing sandbags shall be subject to all applicable time
15 limits set forth in Subparagraph (6) of this Paragraph.

- 16 (8) Once a temporary erosion control structure is determined by the Division of Coastal Management
17 to be unnecessary due to relocation or removal of the threatened structure, it shall be removed by
18 the property owner to the maximum extent practicable within 30 days of official notification from
19 the Division of Coastal Management, regardless of the time limit placed on the temporary erosion
20 control structure. If the temporary erosion control structure is determined by the Division of Coastal
21 Management to be unnecessary due to the completion of a storm protection project constructed by
22 the U.S. Army Corps of Engineers, a large scale beach nourishment project, or an inlet relocation
23 or stabilization project, any portion of the temporary erosion control structure exposed above grade
24 shall be removed by the permittee within 30 days of official notification by the Division of Coastal
25 Management regardless of the time limit placed on the temporary erosion control structure.
- 26 (9) Removal of temporary erosion control structures is not required if they are covered by sand. Any
27 portion of a temporary erosion control structure that becomes exposed above grade after the
28 expiration of the permitted time period shall be removed by the property owner within 30 days of
29 official notification from the Division of Coastal Management.
- 30 (10) The property owner shall be responsible for the removal of remnants of all portions of any damaged
31 temporary erosion control structure.
- 32 (11) Sandbags used to construct temporary erosion control structures shall be tan in color and 3 to 5 feet
33 wide and 7 to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet,
34 and the total height shall not exceed 6 feet, as measured from the bottom of the lowest bag.
- 35 (12) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
- 36 (13) Excavation below mean high water in the Ocean Hazard AEC may be allowed to obtain material to
37 fill sandbags used for emergency protection.

1 (14) An imminently threatened structure may be protected by a temporary erosion control structure only
2 once regardless of ownership, unless the threatened structure is located in a community that is
3 actively pursuing a beach nourishment project, an inlet relocation or stabilization project in
4 accordance with Subparagraph (7) of this Paragraph. Existing temporary erosion control structures
5 may be permitted for additional eight-year periods provided that the structure being protected is still
6 imminently threatened, the temporary erosion control structure is in compliance with requirements
7 of this Subparagraph, and the community in which it is located is actively pursuing a beach
8 nourishment or an inlet relocation or stabilization project in accordance with Subparagraph (7) of
9 this Paragraph. In the case of a building, a temporary erosion control structure may be extended, or
10 new segments constructed, if additional areas of the building become imminently threatened. Where
11 temporary structures are installed or extended incrementally, the time period for removal under
12 Subparagraph (6) or (7) of this Paragraph shall begin at the time the initial erosion control structure
13 is installed. For the purpose of this Rule:

- 14 (A) a building and its associated septic system shall be considered as separate structures; and
15 (B) a road or highway shall be allowed to be incrementally protected as sections become
16 imminently threatened. The time period for removal of each contiguous section of sandbags
17 shall begin at the time that section is installed in accordance with Subparagraph (6) or (7)
18 of this Paragraph.

19 (15) Existing temporary erosion control structures may be repaired or replaced within their originally
20 permitted dimensions during the time period allowed under Subparagraph (6) or (7) of this
21 Paragraph.

22 (b) Erosion Control Structures in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs. Work permitted
23 by this Rule shall be subject to the following limitations:

24 (1) The erosion control structure shall be located no more than 20 feet waterward of the imminently
25 threatened structure. If a building or road is found to be imminently threatened and at increased risk
26 of imminent damage due to site conditions such as a flat shore profile or accelerated erosion,
27 temporary erosion control structures may be located more than 20 feet waterward of the structure
28 being protected. In cases of increased risk of imminent damage, the location of the temporary
29 erosion control structures shall be determined by the Director of the Division of Coastal
30 Management or the Director's designee.

31 (2) Fill material used in conjunction with emergency work for storm or erosion control in the Estuarine
32 Shoreline, Estuarine Waters and Public Trust AECs shall be obtained from an upland source.

33 (c) Protection, Rehabilitation, or Temporary Relocation of Public Facilities or Transportation Corridors. This permit
34 authorizes only the immediate protection or temporary rehabilitation or relocation of existing public facilities. Long-
35 term stabilization or relocation of public facilities shall be consistent with local governments' post-disaster recovery
36 plans and policies which are part of their Land Use Plans.

37 (1) Work permitted by this general permit shall be subject to the following limitations:

- 1 (A) no work shall be permitted other than that which is necessary to protect against or reduce
2 the imminent danger caused by the emergency or to restore the damaged property to its
3 condition immediately before the emergency;
- 4 (B) the erosion control structure shall be located no more than 20 feet waterward of the
5 imminently threatened structure or the right-of-way in the case of roads. If a public facility
6 or transportation corridor is found to be imminently threatened and at increased risk of
7 imminent damage due to site conditions such as a flat shore profile or accelerated erosion,
8 temporary erosion control structures may be located more than 20 feet waterward of the
9 facility or corridor being protected. In cases of increased risk of imminent damage, the
10 location of the temporary erosion control structures shall be determined by the Director of
11 the Division of Coastal Management or the Director's designee in accordance with
12 Subparagraph (a)(1) of this Rule.
- 13 (C) any fill materials used in conjunction with emergency work for storm or erosion control
14 shall be obtained from an upland source except that dredging for fill material to protect
15 public facilities or transportation corridors shall be considered in accordance with standards
16 in 15A NCAC 07H .0208; and
- 17 (D) all fill materials or structures associated with temporary relocations which are located
18 within Coastal Wetlands, Estuarine Water, or Public Trust AECs shall be removed after
19 the emergency event has ended and the area restored to pre-disturbed conditions.
20

21 *History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-115.1; 113A-118.1;*
22 *Eff. November 1, 1985;*
23 *Amended Eff. April 1, 1999; February 1, 1996; June 1, 1995;*
24 *Temporary Amendment Eff. July 3, 2000; May 22, 2000;*
25 *Amended Eff. April 1, 2019; May 1, 2013; May 1, 2010; August 1, 2002;*
26 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .1901 is readopted as published in 34:09 NCR 759 as follows:

2
3 **SECTION .1900 – GENERAL PERMIT TO ALLOW FOR TEMPORARY STRUCTURES WITHIN THE**
4 **ESTUARINE AND OCEAN SYSTEMS AECS**
5

6 **15A NCAC 07H .1901 PURPOSE**

7 A permit under this Section shall allow for the placement of temporary structures within the estuarine and ocean
8 systems AECs according to the provisions provided in 15A NCAC 07J .1100 and according to the rules in this Section.
9

10 *History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
11 *Eff. March 1, 1989;*
12 *Amended Eff. April 1, 2020; August 1, 2000;*
13 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .1902 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1902 APPROVAL PROCEDURES**

4 (a) The applicant shall contact the Division of Coastal Management at the address provided in 15A NCAC 07A .0101
5 and complete an application requesting approval for development. For temporary structures associated with scientific
6 research, permit applicants shall be lead investigators on behalf of accredited educational institutions, or state or
7 federal agencies.

8 (b) If a temporary structure is to be located less than 400 feet waterward of normal high water or normal water level,
9 or within the established pier head line as determined by the Division of Coastal Management, the applicant shall
10 provide:

11 (1) a written statement signed by the adjacent riparian property owners indicating that they have no
12 objections to the proposed work; or

13 (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the
14 proposed work. Such notice should instruct adjacent property owners to provide any comments on
15 the proposed development in writing for consideration by permitting officials to the Division of
16 Coastal Management within ten days of receipt of the notice, and indicate that no response will be
17 interpreted as no objection. DCM staff will review all comments and determine, based on their
18 relevance to the potential impacts of the proposed project, if the proposed project can be approved
19 by a General Permit. If DCM determines that the project exceeds the conditions established by this
20 General Permit, DCM shall notify the applicant that a Major Permit application shall be required.

21 (c) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management
22 representative to inspect and mark the site of construction of the proposed development. Temporary structures
23 authorized by this General Permit may remain in place for a maximum of one year from the date of issuance. The
24 project site shall be restored to pre-development conditions and all structures shall be removed within one year of
25 permit issuance, or by the date specified with the General Permit.

26
27 *History Note: Authority G.S. 113-229(cl); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
28 *Eff. March 1, 1989;*
29 *Amended Eff. April 1, 2020; January 1, 1990;*
30 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .1903 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1903 PERMIT FEE**

4 The applicant shall pay a permit fee of two hundred dollars (\$200.00) by check or money order payable to the
5 Department.

6
7 *History Note: Authority G.S. 113-229(c1); 113A-107; 113A-113(b); 113A-118.1; 113A-119; 113A-119.1;*

8 *Eff. March 1, 1989;*

9 *Amended Eff. September 1, 2006; August 1, 2000; March 1, 1991;*

10 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .1904

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 (d), what does “unresolved questions” mean? By what criteria is this established or measured? What is the standard? This is a broad grant of discretion; what is the statutory authority for such a broad grant?

In paragraph (g), is the comma necessary? If not, please delete.

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 7, 2022

1 15A NCAC 07H .1904 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1904 GENERAL CONDITIONS**

4 (a) Temporary structures for the purpose of this general permit are those which are constructed or installed within the
5 estuarine and ocean system AECs and because of their dimensions or functions cannot be authorized by another
6 General Permit within this Subchapter.

7 (b) There shall be no encroachment oceanward of the first line of stable vegetation within the ocean hazard AEC
8 except for the placement of auxiliary structures such as signs, fences, posts, or pilings.

9 (c) There shall be no fill or excavation activity below normal high water or normal water level.

10 (d) This permit shall not be applicable to proposed development where the Division of Coastal Management has
11 determined, based on a review of the application, that notice and review pursuant to G.S. 113A-119 is necessary
12 because there are unresolved questions concerning the proposed activity's impact on adjoining properties or on water
13 quality; air quality; coastal wetlands; cultural or historic sites; wildlife; fisheries resources; or public trust rights.

14 (e) Individuals shall allow authorized representatives of the Department of Environmental Quality to make periodic
15 inspections at any time necessary to ensure that the activity being performed under authority of this general permit is
16 in accordance with the terms and conditions prescribed herein.

17 (f) This permit does not eliminate the need to obtain any other state, local or federal authorization, nor, to abide by
18 rules or regulations adopted by any federal, state, or local agency.

19 (g) Development carried out under this permit shall be consistent with all local requirements, and local land use plans
20 current at the time of authorization.

21
22 *History Note: Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
23 *Eff. March 1, 1989;*
24 *Amended Eff. May 1, 1990; March 1, 1990;*
25 *RRC Objection due to ambiguity Eff. May 19, 1994;*
26 *Amended Eff. April 1, 2020; August 1, 1998; July 1, 1994;*
27 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .1905 is readopted as published in 34:09 NCR 759 as follows:

2
3 **15A NCAC 07H .1905 SPECIFIC CONDITIONS**

4 Proposed temporary structures shall meet each of the following specific conditions to be eligible for authorization by
5 the general permit:

- 6 (1) All aspects of the structure shall be removed and the site returned to pre-project conditions at the
7 expiration of this general permit.
- 8 (2) There shall be no work within any productive shellfish beds without authorization from the Division
9 of Marine Fisheries.
- 10 (3) The proposed structure shall not involve the disturbance of any marsh, submerged aquatic
11 vegetation, or other wetlands including excavation or filling of these areas.
- 12 (4) The proposed activity shall not disrupt navigation and transportation channels and shall be marked
13 to prevent being a hazard to navigation.
- 14 (5) The proposed structure shall not impede public access or other public trust uses.
- 15 (6) The proposed structure shall not be habitable.
- 16 (7) There shall be no disturbance of existing dunes.
- 17 (8) Temporary structures authorized by this permit shall not individually or cumulatively exceed 100
18 square meters in size.
- 19 (9) Structures shall not be constructed in a designated Primary Nursery Area without approval from the
20 Division of Marine Fisheries or the Wildlife Resources Commission.

21
22 *History Note:* *Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1;*
23 *Eff. March 1, 1989;*
24 *Amended Eff. April 1, 2020; May 1, 1990;*
25 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .2501

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 opening paragraph, please add a conjunction or remove the comma to add clarity to “or discussions with staff, state or federal emergency response agencies.”

Please change the commas to semicolons at the end of Items (1) and (2).

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 7, 2022

1 15A NCAC 07H .2501 is readopted as published in 34:09 NCR 760 as follows:

2
3 **SECTION .2500 - EMERGENCY GENERAL PERMIT, TO BE INITIATED AT THE DISCRETION OF**
4 **THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR**
5 **REPLACEMENT OF STRUCTURES, THE RECONSTRUCTION OF PRIMARY OR FRONTAL DUNE**
6 **SYSTEMS, AND THE MAINTENANCE EXCAVATION OF EXISTING CANALS, BASINS, CHANNELS,**
7 **OR DITCHES, DAMAGED, DESTROYED, OR FILLED IN BY HURRICANES OR TROPICAL STORMS,**
8 **PROVIDED ALL REPLACEMENT, RECONSTRUCTION AND MAINTENANCE EXCAVATION**
9 **ACTIVITIES CONFORM TO ALL CURRENT STANDARDS**
10

11 **15A NCAC 07H .2501 PURPOSE**

12 Following damage to coastal North Carolina due to hurricanes or tropical storms, the Secretary may, based upon an
13 examination of the extent and severity of the damage, implement any or all provisions of this Section. Factors the
14 Secretary may consider in making this decision include, but are not limited to, severity and scale of property damage,
15 designation of counties as disaster areas, reconnaissance of the impacted areas, or discussions with staff, state or
16 federal emergency response agencies. This permit shall allow for:

- 17 (1) the replacement of structures that were located within the estuarine system or public trust Areas of
18 Environmental Concern and that were destroyed or damaged beyond 50 percent of the structures
19 value as a result of any hurricane or tropical storm,
20 (2) a one time per property fee waiver for the reconstruction or repair by beach bulldozing of hurricane
21 or tropical storm damaged frontal or primary dune systems, and
22 (3) a one time per property fee waiver for maintenance dredging activities within existing basins, canals,
23 channels, and ditches. Structure replacement, dune reconstruction, and maintenance excavation
24 activities authorized by this permit shall conform with all current use standards and regulations. The
25 structural replacement component of this general permit shall only be applicable where the structure
26 was in place and serving its intended function at the time of the impacting hurricane or storm, and
27 shall not apply within the Ocean Hazard System of Areas of Environmental Concern (AEC) or
28 waters adjacent to these AECs with the exception of those portions of shoreline that feature
29 characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation,
30 lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

31
32 *History Note: Authority G.S. 113A-107; 113A-118.1;*
33 *Temporary Adoption Eff. October 2, 1999;*
34 *Temporary Adoption Expired on July 28, 2000;*
35 *Eff. April 1, 2001;*
36 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .2502

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 (c), lines 16 and 17, the use of commas surrounding “and” is unclear. Please change.

Also in Paragraph (c), by what criteria is the “relevance to the potential impacts of the proposed project” measured? How is this determined?

In Paragraph (e), please add an oxford comma after “reconstruction”.

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 7, 2022

1 15A NCAC 07H .2502 is readopted as published in 34:09 NCR 760 as follows:

2
3 **15A NCAC 07H .2502 APPROVAL PROCEDURES**

4 (a) The applicant must contact the Division of Coastal Management and request approval for structural replacement,
5 dune reconstruction, or maintenance excavation. The applicant shall provide information on site location, dimensions
6 of the project area, and his or her name and address.

7 (b) The applicant must provide:

8 (1) Description of the extent of repair, replacement, reconstruction, or maintenance excavation needed,
9 including dimensions and shoreline length; and

10 (2) In the case of structural replacements, any additional documentation confirming the existence of the
11 structure prior to the hurricane or tropical storm, such as surveys, previous permits, photographs or
12 videos.

13 (c) For projects involving the excavation or filling of any area of estuarine water, the applicant must provide
14 confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work.
15 Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing
16 for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice,
17 and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments and
18 determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be
19 approved by this General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the
20 applicant shall be notified that he or she must submit an application for a major development permit.

21 (d) No work shall begin until a meeting is held with the applicant and appropriate Division of Coastal Management
22 representative. Written authorization to proceed with the proposed development may be issued during this meeting.

23 (e) Replacement, reconstruction or maintenance excavation activities must be completed within one year of each
24 activation by the Secretary of this general permit.

25 (f) Authorizations under this General Permit shall not be issued more than one year following each activation by the
26 Secretary of this general permit.

27
28 *History Note: Authority G.S. 113A-107; 113A-118.1;*
29 *Temporary Adoption Eff. October 2, 1999;*
30 *Temporary Adoption Expired on July 28, 2000;*
31 *Eff. April 1, 2001;*
32 *Readopted Eff. May 1, 2022.*

1 15A NCAC 07H .2503 is readopted as published in 34:09 NCR 760 as follows:

2
3 **15A NCAC 07H .2503 PERMIT FEE**

4 The standard permit fee of two hundred dollars (\$200.00) has been waived for this General Permit.

5
6 *History Note: Authority G.S. 113A-107; 113A-118.1;*
7 *Temporary Adoption Eff. October 2, 1999;*
8 *Temporary Adoption Expired on July 28, 2000;*
9 *Eff. April 1, 2001;*
10 *Amended Eff. September 1, 2006;*
11 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .2504

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 (f), what does “adversely affect” mean? By what criteria is this established or measured? What is the standard? This is a broad grant of discretion; what is the statutory authority for such a broad grant?

Similarly, in Paragraph (g), what does “significantly affect” mean? By what criteria is this established or measured? What is the standard? This is a broad grant of discretion; what is the statutory authority for such a broad grant?

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 7, 2022

1 15A NCAC 07H .2504 is readopted as published in 34:09 NCR 760 as follows:

2
3 **15A NCAC 07H .2504 GENERAL CONDITIONS**

4 (a) This permit shall only become available following a written statement by the Secretary that, based upon hurricane
5 or tropical storm related damage, implementation of the provisions of this Section are warranted.

6 (b) Based upon an examination of the specific circumstances following a specific hurricane or tropical storm, the
7 Secretary may choose to activate any or all of the components of this Section. The Secretary may also limit the
8 geographic service area of this permit.

9 (c) This permit authorizes only the replacement of damaged or destroyed structures, the reconstruction of frontal or
10 primary dunes, and maintenance excavation activities conforming to the standards described in this Section.

11 (d) This permit does not authorize the replacement of any structure within any Ocean Hazard Area of Environmental
12 Concern, with the exception of those portions of shoreline within the Ocean Hazard AEC that feature characteristics
13 of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower
14 erosion rates than in the adjoining Ocean Erodible Area.

15 (e) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources to
16 make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under
17 authority of this general permit is in accordance with the terms and conditions prescribed in this Section.

18 (f) This general permit shall not be applicable to proposed construction when the Department determines after any
19 necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural,
20 scenic, conservation, or recreational values.

21 (g) This general permit shall not be applicable to proposed construction where the Department determines that
22 authorization may be warranted, but that the proposed activity might significantly affect the quality of the human
23 environment, or unnecessarily endanger adjoining properties. In those cases, it shall be necessary to review the
24 proposed project under the established CAMA Major or Minor Development Permit review procedures.

25 (h) This permit does not eliminate the need to obtain any other required state, local, or federal authorization.

26 (i) This permit does not preclude an individual from applying for other authorizations for structure replacement that
27 may be available under the Coastal Area Management Act and the Rules of the Coastal Resources Commission.
28 However, application fees for any such authorization shall not be waived or deferred.

29
30 *History Note: Authority G.S. 113A-107; 113A-118.1;*
31 *Temporary Adoption Eff. October 2, 1999;*
32 *Temporary Adoption Expired on July 28, 2000;*
33 *Eff. April 1, 2001;*
34 *Readopted Eff. May 1, 2022.*

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Coastal Resources Commission

RULE CITATION: 15A NCAC 07H .2505

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 Subparagraph (a)(1) and (b)(2), the first letter for each Part listed as (a)(1)(A) through (J) and (b)(2)(A) through (D) should not be capitalized.

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 7, 2022

1 15A NCAC 07H .2505 is readopted as published in 34:09 NCR 760 as follows:

2
3 **15A NCAC 07H .2505 SPECIFIC CONDITIONS**

4 (a) The replacement of a damaged or destroyed structure shall take place within the footprint and dimensions that
5 existed immediately prior to the damaging hurricane or tropical storm. No structural enlargement or additions shall
6 be allowed.

7 (b) Structure replacement, dune reconstruction, and maintenance excavation authorized by this permit shall conform
8 to the existing use standards and regulations for exemptions, minor development permits, and major development
9 permits, including general permits. These use standards include, but are not limited to:

- 10 (1) 15A NCAC 07H .0208(b)(6) for the replacement of docks and piers;
11 (2) 15A NCAC 07H .0208(b)(7) for the replacement of bulkheads and shoreline stabilization measures;
12 (3) 15A NCAC 07H .0208(b)(9) for the replacement of wooden and riprap groins;
13 (4) 15A NCAC 07H .1500 for maintenance excavation activities; and
14 (5) 15A NCAC 07H .1800 for beach bulldozing in the Ocean Hazard AEC.

15 (c) The replacement of an existing dock or pier facility, including associated structures, marsh enhancement
16 breakwaters, or groins shall be set back 15 feet from the adjoining property lines and the riparian access dividing line.
17 The line of division of riparian access shall be established by drawing a line along the channel or deep water in front
18 of the property, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the
19 point the upland property line meets the water's edge. Application of this Rule may be aided by reference to the
20 approved diagram in 15A NCAC 07H .1205, illustrating the rule as applied to various shoreline configurations. Copies
21 of the diagram may be obtained from the Division of Coastal Management. When shoreline configuration is such that
22 a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum
23 extent practicable. The setback may be waived by written agreement of the adjacent riparian owner(s) or when the
24 two adjoining riparian owners are co-applicants. Should the adjacent property be sold before replacement of the
25 structure begins, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and
26 submit it to the Division of Coastal Management prior to initiating any construction of the structure.

27
28 *History Note: Authority G.S. 113A-107; 113A-118.1;*
29 *Temporary Adoption Eff. October 2, 1999;*
30 *Temporary Adoption Expired on July 28, 2000;*
31 *Eff. April 1, 2001;*
32 *Amended Eff. September 1, 2016;*
33 *Readopted Eff. May 1, 2022.*

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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Burgos, Alexander N

Subject: FW: [External] Request to speak April 21 on Rule [15A NCAC 10D .0106] Bear Sanctuaries

From: Deedee D <d2or3ny@gmail.com>

Sent: Wednesday, April 13, 2022 11:22 AM

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

Subject: [External] Request to speak April 21 on Rule [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good morning, Attorney Duke ~

I am writing to request to speak regarding Rule 15A NCAC 10D .0106 Bear Sanctuaries on April 21, 9am, at the Rules Review Commission meeting, as set out in N.C.G.S. 150B-21.3.

Please note that I am against the rule.

Please confirm that I will be able to speak and how to participate in the meeting.

Thank you,
Deedee Dillingham
Mills River, NC

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Burgos, Alexander N

From: Rules, Oah
Sent: Wednesday, April 20, 2022 9:05 AM
To: Burgos, Alexander N
Subject: FW: [External] Rule #15A NCAC 10D.0106 Bear Sanctuaries Members of the Rule Change Review Committee

From: Ellen Kiddy <ekiddy05@gmail.com>
Sent: Wednesday, April 20, 2022 9:04 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Kim Lunger Craig <Allaboutthered@hotmail.com>
Subject: [External] Rule #15A NCAC 10D.0106 Bear Sanctuaries Members of the Rule Change Review Committee

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

To: Rules Review Commission
From: Ellen Kiddy
Re: Rule #15A NCAC 10D.0106 Bear Sanctuaries Members of the Rule Change Review Committee

I cannot agree more with my friend Kim Craig below. We love North Carolina and the natural wildlife and especially our bears. It would be a horrible atrocity to kill these amazing, beautiful creatures.

Please do not allow this rule change to proceed. Do not allow the permitted hunting of bears in these sanctuaries. Let's do our part through education and coexistence in the lands given to the bears for their safety.

NC Rules Review Commission 1711 New Hope Church Road Raleigh, NC 27609 Oah.rules@oah.nc.gov

RE: Rule #15A NCAC 10D.0106 Bear Sanctuaries Members of the Rule Change Review Committee,

The above rule change is in review. Please impose legitimacy to this review process by reading and understanding the mass opposition to the killing of bears in their designated sanctuaries.

Panthertown, Standing Indian, and Pisgah sanctuaries have protected bears and other wildlife for decades. I am deeply disturbed and disappointed at how a sanctuary designation can be so easily reversed and be reassigned a "management area" to kill bears.

North Carolina Wildlife Resource Commission and US Forest Service - your institutions are now allowing the killing/harvesting of bears and base this sanctuary reversal on increased

human-bear interactions and bear encounters. Killing the bears to decrease these interactions is not a civilized reaction to what is clearly increased human presence in the sanctuaries and other wilderness areas. It is the educating of humans that is vital to reducing unwanted bear-human interaction. We are in THEIR habitat. We need to educate humans on Bearwise's national program and assure we are not attracting these beautiful

creatures into unnatural situations. It is human behavior, not the "stabilization" of the bear population that is the answer.

With multiple organizations proposing to continue and market bear-human education and awareness to campers, visitors, and hikers, the commission has chosen to kill bears instead of implementing these human behaviors within our sanctuaries and wilderness.

I am an outdoor enthusiast, and like thousands of people, I am confused as to why the killing of bears will be permitted in spite of an 86% public opposition. The process, even with the input of biological science, has not been legitimately served. Killing these majestic, slow-breeding animals in the name of "protection," "population control," or for a hunter's trophy is NOT credible or civilized. With over 3,700 bears hunted and killed in the already existing management areas of North Carolina last year, is it really necessary to kill even more?

I photograph bears. I paint them in nature, and I have hiked all the sanctuaries mentioned above. Actually, I have not even encountered a bear in these sanctuaries. These sanctuaries are for humans as well. Our places to enjoy, and to explore with no guns blasting, and no dogs baying. There should be no dreadful anxiety at the possibility of watching or hearing this bear-killing process in a sanctuary.

This rule change is a sad defeat for all who protect, enjoy, and deserve the right to be part of these sanctuaries.

Please do not allow this rule change to proceed. Do not allow the permitted hunting of bears in these sanctuaries. Let's do our part through education and coexistence in the lands given to the bears for their safety.

Sincerely,
Kim Craig Highlands, NC

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To whom it may concern,

I read disturbing news yesterday. The NC wildlife commission plans to reopen black bear hunting. I urgently feel the need to write this to inform you that I and so many others are adamantly against this. Plain and simple, as if the world isn't in enough of a delicate fragile state, the bloody carnage of these beautiful creatures is going to be allowed? These bears need to stay protected. That's why they are in a "sanctuary". Bears will not overpopulate, They will deliberately not breed when they know their habitat space may be encroached with too many numbers, so overpopulation cannot be your reasoning. They are primarily vegetarian and are naturally fearful of humans and avoid them. They are Majesties of nature and should be respected, admired and revered, not taxidermied and placed in some "trophy hunters" home. And speaking of "trophy hunters", where is the actual skill and sport when all they do is get their hunting dogs to catch whiff of their scent and chase those poor creatures up a tree, then they just walk up and SHOOT THEM DOWN ! I have heard North Carolina being called "God's Country" ever since I moved here from Florida 27 years ago, and indeed it is! North Carolina is incredibly rich and diverse in beauty and splendor! From the purple mountains majesties, to the pristine beaches on the east coast, our state offers so much to travelers. They come here to get away from the noise and confusion of their "concrete jungle" lifestyle, to get a sense of peace and tranquility from our natural wonders. They come here hopefully to catch a glimpse of a bear, wandering through the forest or resting high up in a tree with their cubs, They WANT to see the bears just doing their thing out in their natural world. So I say, let's keep giving it to them! Let's keep these amazing creatures safe and protected, and in turn they will greatly continue to help North Carolina's economy flourish, because that's what North Carolina is, a tourist state. But more importantly than helping us in attracting tourists, these bears are part of a rich and diverse circle in which we all are a part of. We are ALL connected in this great circle of life and are interdependent, in some way, shape or form, upon each other. Everything exists in balance and if the homeostasis of that balance is severed, we all suffer! Meaning that if these bears are no longer protected and are allowed to be destroyed by humans, eventually the species gets critically endangered or even worse extinct, and that detrimentally affects the planet as a WHOLE. The problem with humans is that they think they are exempt from this, but we are not. Any species that exempts itself from the "natural laws" ends up destroying the diverse community in order to support its own expansion. That's what I see happening in the world today. Modern humans view themselves as Lord's of the earth, and feel the need to take control of and "conquer" other species, (these bears for instance), and so they live in a constant state of unbalance and discord and anything they do is never "enough" because they are not at peace, but the native cultures of the world (native indian, aboriginals, alaskan eskimos, to name a few) don't live like that. They live in reference and respect for the earth and only take what they need, giving thanks and praise to our Creator for what they DO take. They live in peace, balance and harmony. God gave humans dominion over all creatures to care for them and to protect them, and this planet that we ALL share, not to divide and conquer! This opening up of bear hunting is one of the worst ideas, in the long, sad history of bad ideas. Please, I implore you to reconsider this, for All our sakes. Thank you for your time and attention regarding this matter.

Sincerely,
Mary Johnson

venus.smith3587@gmail.com

Michael S. Levine, MD

Highlands, N.C.

April 13, 2022

NC Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

Re: Rule #15A NCAC 10D.0106 Bear Sanctuaries

Members of the Committee,

The rule is ambiguous and does not stipulate the number of permits that may be issued in each area and the limits.

Is it necessary? There is very little public support. There have been very few human bear conflicts in these sanctuaries. With bear proof lockers there will be still less if any.

I am a frequent hiker in Panther town and have never seen a bear and very rarely have I seen any scat on the trails. The complaint by the commission claims the presence of too many bears however at the recent meeting (April 5th in Murphy, NC) they admitted that they have not reached the geologic carrying capacity in any of the sanctuaries. The Commission voted unanimously to open up more places to hunt bears but the hunters and hikers disagree. They want to protect the sanctuaries so numbers increase and can be hunted elsewhere outside of the sanctuary.

Economic Input; as a hiker, camper, fisherman, photographer, and volunteer many of us will be less likely to utilize these sanctuaries and surrounding facilities once there are hunting dogs and hunters crossing our paths. I believe it will be a negative financially.

I hope you will rule against the opening of the sanctuaries for bear hunting.

Please reconsider since this decision which was made on 2006 information.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Michael S. Levine MD". The signature is written in a cursive, flowing style.

Michael S. Levine, MD

Diane T. Levine, Bear Wise Committee

April 13 2022

NC Rules Review Commission
1711 New Hope Church Rd
Raleigh, NC 27609

Re: Rule # 15A NCAC 10D.01106 Bear Sanctuaries

Members of the Committee,

This rule is NOT what the people want. 86% voted against this proposal yet ALL the Commissions voted in favor. How does that happen?

Your data is based on old 2006 information.

Not one bear management area has ever been turned back to a bear sanctuary even though you say they can.

The bear hunter along with hikers, fishermen, photographers DON'T want this.


You are going to have hungry hunting dogs running free when your kiosk say all dogs must be leashed.

You are going to have shooting guns in the forest with families enjoying the solitude of the forest. What makes you think there will be no accidents?

I truly think the Fox (Wildlife and Foresters) are manning the chickens.

This is the people's land and the people have voted. They are not in favor of the Bear Sanctuaries being turned in Management areas so government can do whatever they please. Will you listen -could you please do the next right thing the people want.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Diane T. Levine". The signature is written in a cursive style with a large, stylized "D" and "L".

Diane T. Levine

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:36 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Sanctuaries

From: Mary Shabbott <mshabbott@sbcglobal.net>
Sent: Friday, April 8, 2022 5:39 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Bear Sanctuaries

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Mary Shabbott

04-08-2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces

Burgos, Alexander N

From: Rules, Oah
Sent: Tuesday, April 19, 2022 8:44 AM
To: Burgos, Alexander N
Subject: FW: [External] Rule #15A NCAC 10D.0106 Bear Sanctuaries

From: Carlton Cole <carlton842@aol.com>
Sent: Monday, April 18, 2022 4:51 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Rule #15A NCAC 10D.0106 Bear Sanctuaries

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The rule is ambiguous and does not stipulate the number of permits that may be issued in each area and the limits.

Is it necessary? There is little public support. There have been few human / bear conflicts in these sanctuaries. With bear proof lockers there will be less, if any.

I am a frequent hiker in Panthertown and have never seen a bear. The complaint by the commission claims the presence of too many bears; however, at the April 5th meeting in Murphy, it was admitted that geologic carrying capacity has not been reached in any of the sanctuaries. The Commission voted to open up more places to hunt bears, but hunters and hikers disagree. They want to protect the sanctuaries so the number of bears may increase and can be hunted elsewhere, outside the sanctuaries.

As a hiker, photographer, and volunteer, I would be less likely to use these sanctuaries and surrounding facilities once there are hunters and hunting dogs crossing my path. I think permitting hunting would have an adverse economic impact.

I hope you will reconsider and rule against opening the sanctuaries for bear hunting. As I understand it, the decision was made based on 2006 information, not current information.

Yours sincerely,

Carlton W. Cole
Highlands NC

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:22 PM
To: Burgos, Alexander N
Subject: FW: [External] Bears

-----Original Message-----

From: Jaime Turgeon <jaime.turgeon@icloud.com>
Sent: Wednesday, April 13, 2022 5:36 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Bears

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

To whom it may concern,

Please do not allow trophy hunters to murder innocent bears inside sanctuaries. Sanctuaries are meant to be a safe haven for these beautiful animals. They belong to ALL of us, not just the people who want to murder them. It takes a sick person to take pleasure in murdering innocent creatures then hide the brutality by calling it "sport". Please do not allow this to happen. Thank you. Sent from my iPhone

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 2:03 PM
To: Burgos, Alexander N
Subject: FW: [External] Bears

-----Original Message-----

From: Jaime Turgeon <jaime.turgeon@icloud.com>
Sent: Wednesday, April 13, 2022 5:35 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bears

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To whom it may concern,

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:49 PM
To: Burgos, Alexander N
Subject: FW: [External] Request for bear review

From: Janice Foltz <organic4444@hotmail.com>
Sent: Thursday, April 14, 2022 5:03 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Request for bear review

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Dear Representative,

Dear Representative,

The commission claims there are too many bears, but they admit the sanctuaries have not reached their biological carrying capacity. I know many people who hike frequently in the valley, and none has ever seen a bear. Bears naturally regulate the number of offspring according to the availability of food. There is no need to kill them.

Their crucial job of reforestation is pooping 200,000 seeds an hr dispersed .62 miles. The lifespan of foods is finite. These seeds grow continued foods for bears deer small animals birds, and more, even we humans, you see bears are part of nature as the farmers in the forest, & not beginning to compare to bird seeds dropped. Please.

Trees get diseased , fall, maturity dying, have to be replaced . Bushes of blackberries, blueberries, raspberries, huckleberries . Nuts to many to count in this brief information. Biologically vast in complexity to detail here. I believe we all understand these facts.

I live amongst bears they aren't baited with birdseeds, not a dangerous encounter in 76 yrs. Bears pass on my land on my 1 mile to National Park Great Smoky's. Used to see many more as I did younger , when every crossing to Gatlinburg were always bears, now once in a rare while. Point being NCWRC says to many bears yet adds not a quota. The NCWRC is making money in licenses and pro bear culling. Bears are what forests must have for sustainability. I read a 206 thesis from TN UNIV 20 yr study. The bears are fine according to facts, at managing themselves. There's much to consider in rules & quantities such as I Poaching , selling organs , illegally, fines even for dogs off leash with hikers not written up. Nicely excused, but bears get killed is out of control. Do not lessen their amount or it'll collapse They Must Be written up for illegal situations and paid. Also why is there no rule in amount of hounds run by one bear hunter? I was told this by a hunter at last meeting with

Senator Corbin. Perhaps wrong same as opening bear sanctuaries to so called manage bears? People need management on coexisting with bears that proven they aren't out to get us: Winnie the Pooh, teddy bears we grew up with, even the marvelous advisor SMOKEY THE BEAR, we all come to know and respect. Humankind is the problem in lack of educating them to live and let live in wooded places where they have no choice, We Do. Our many groups are getting more involved, let this take place to calm the restless creatures.... Humans.

Respectfully Yours,

Janice Foltz

Sent from my iPhone

Sent from my iPhone

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:50 PM
To: Burgos, Alexander N
Subject: FW: [External] NC Bears

From: Dagmar Buchner <dagmar-buchner@gmx.de>
Sent: Thursday, April 14, 2022 4:14 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] NC Bears

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Dear Governor,

please stop killing Bears !

It is not ok to destroy life because they feel like us and they want to live like we do.
They have rights like we have and we have to protect them- this is what GOD wants from us to do for them and we are guilty of killing so many of them.

Kind regards,
Dagmar
Buchner

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NC Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609
Oah.rules@oah.nc.gov

RE: Rule #15A NCAC 10D.0106 Bear Sanctuaries

Members of the Rule Change Review Committee,

The above rule change is in review. Please impose legitimacy to this review process by reading and understanding the mass opposition to the killing of bears in their designated sanctuaries.

Panthertown, Standing Indian, and Pisgah sanctuaries have protected bears and other wildlife for decades. I am deeply disturbed and disappointed at how a sanctuary designation can be so easily reversed and be reassigned a "management area" to kill bears.

North Carolina Wildlife Resource Commission and US Forest Service - your institutions are now allowing the killing/harvesting of bears and base this sanctuary reversal on increased human-bear interactions and bear encounters. Killing the bears to decrease these interactions is not a civilized reaction to what is clearly increased human presence in the sanctuaries and other wilderness areas. It is the educating of humans that is vital to reducing unwanted bear-human interaction. We are in THEIR habitat. We need to educate humans on Bearwise's national program and assure we are not attracting these beautiful creatures into unnatural situations. It is human behavior, not the "stabilization" of the bear population that is the answer.

With multiple organizations proposing to continue and market bear-human education and awareness to campers, visitors, and hikers, the commission has chosen to kill bears instead of implementing these human behaviors within our sanctuaries and wilderness.

I am an outdoor enthusiast, and like thousands of people, I am confused as to why the killing of bears will be permitted in spite of an 86% public opposition. The process, even with the input of biological science, has not been legitimately served. Killing these majestic, slow-breeding animals in the name of "protection," "population control," or for a hunter's trophy is NOT credible or civilized. With over 3,700 bears hunted and killed in the already existing management areas of North Carolina last year, is it really necessary to kill even more?

I photograph bears. I paint them in nature, and I have hiked all the sanctuaries mentioned above. Actually, I have not even encountered a bear in these sanctuaries. These sanctuaries are for humans as well. Our places to enjoy, and to explore with no guns blasting, and no dogs baying. There should be no dreadful anxiety at the possibility of watching or hearing this bear-killing process in a sanctuary.

This rule change is a sad defeat for all who protect, enjoy, and deserve the right to be part of these sanctuaries.

Please do not allow this rule change to proceed. Do not allow the permitted hunting of bears in these sanctuaries. Let's do our part through education and coexistence in the lands given to the bears for their safety.

Sincerely,
Kim Craig
Highlands, NC

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:45 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear hunting

-----Original Message-----

From: emilydgray@me.com <emilydgray@me.com>
Sent: Saturday, April 16, 2022 12:44 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear hunting

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Please do NOT allow bear hunting in any previously protected ares, especially Panther Town.
Thank you for considering to limit bear hunting in most places

Emily Gray

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:45 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Hunting PANTHERTOWN

-----Original Message-----

From: shirley Insoft <J.S.Insoft@outlook.com>
Sent: Saturday, April 16, 2022 9:28 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear Hunting PANTHERTOWN

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

We Definitely DO NOT APPROVE BEAR HUNTING IN PANTHERTOWN !!!!!!! The season we understand is when most people are here for leaf season. How would you want to have your wife, husband, daughter, son, grand parents accidentally killed while hiking or riding their horse in PANTHERTOWN. We are DEFINITELY APPOSED Being a resident of Bald Rock Community. PANTHERTOWN is a BEAR SANCTUARY !!! Joe and Shirley Insoft

Sent from my iPhone

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:46 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Hunting in Panthertown and Standing Indian

From: James Riddle <riddle4iu@gmail.com>
Sent: Saturday, April 16, 2022 11:38 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear Hunting in Panthertown and Standing Indian

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Please, please reconsider your decision regarding allowing bear hunting in Panthertown and Standing Indian. We along with hundreds if not thousands hike in those area regularly. Not only is bear hunting dangerous to us, we do not want more hunting of these animals especially in these sanctuaries we value so much. I find it difficult to understand why you want to against the obvious wishea of the very who utilize the areas.

Thank you.

James Riddle, Full Time Resident



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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:46 PM
To: Burgos, Alexander N
Subject: FW: [External] Protest Panthertown Hunting

From: Lila Howland <lilahowlan@aol.com>
Sent: Saturday, April 16, 2022 10:00 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Protest Panthertown Hunting

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

NC Rules Review Commission:

Panthertown is a beloved sanctuary for humans and animals. Hunting of any sort should not be allowed. Hikers who frequent the trails report no bear sighting and rare bear scat. The finding by the commission that the bear population in Panthertown is excessive is simply wrong. Do not desecrate this special place by allowing the hunting of bear and other animals.

Lila Howland



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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:47 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear hunting in Panthertown

From: Slocum Howland <slocumhowland@outlook.com>
Sent: Saturday, April 16, 2022 9:47 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear hunting in Panthertown

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

PLEASE reconsider the recent ruling allowing bear hunting in Panthertown. I am a full time resident of Macon County and hike in Panthertown. Bear hunting in this area will make hiking in this area dangerous to the hikers.

I am strongly opposed to bear hunting in Panthertown.

Thank you for your attention to my comment.

Sincerely,

Slocum Howland

W. Slocum Howland, Jr.

slocumhowland@outlook.com

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:48 PM
To: Burgos, Alexander N
Subject: FW: [External] Fwd: Black Bears

From: Mary Smith <venus.smith3587@gmail.com>
Sent: Friday, April 15, 2022 1:30 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Fwd: Black Bears

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----- Forwarded message -----

From: Mary Smith <venus.smith3587@gmail.com>
Date: Fri, Apr 15, 2022 at 1:28 PM
Subject: Fwd: Black Bears
To: <rrc.comments@oah.nc.gov>

----- Forwarded message -----

From: Mary Smith <venus.smith3587@gmail.com>
Date: Fri, Apr 15, 2022 at 1:05 PM
Subject: Black Bears
To: <montycrump@ncwildlifecommission.org>

To whom it may concern,

I read disturbing news yesterday. The NC wildlife commission plans to reopen black bear hunting. I urgently feel the need to write this to inform you that I and so many others are adamantly against this. Plain and simple, as if the world isn't in enough of a delicate fragile state, the bloody carnage of these beautiful creatures is going to be allowed? These bears need to stay protected. That's why they are in a "sanctuary". Bears will not overpopulate, They will deliberately not breed when they know their habitat space may be encroached with too many numbers, so overpopulation cannot be your reasoning. They are primarily vegetarian and are naturally fearful of humans and avoid them. They are Majesties of nature and should be respected, admired and revered, not taxidermied and placed in some "trophy hunters" home. And speaking of "trophy hunters", where is the actual skill and sport when all they do is get their hunting dogs to catch whiff of their scent and chase those poor creatures up a tree, then they just walk up and SHOOT THEM DOWN ! I have heard North Carolina being called "God's Country" ever since I moved here from Florida 27 years ago, and indeed it is! North Carolina is incredibly rich and diverse in beauty and splendor! From the purple mountains majesties, to the pristine beaches on the east coast, our state offers so much to travelers. They come here to get away from the noise and confusion of their "concrete jungle" lifestyle, to get a sense of peace and tranquility from our natural wonders. They come here hopefully to catch a glimpse of a bear, wandering through the forest or resting high up in a tree with their cubs, They WANT to see the bears just doing their thing out in their natural world. So I say, let's keep giving it to them!

Let's keep these amazing creatures safe and protected , and in turn they will greatly continue to help North Carolina's economy flourish, because that's what North Carolina is, a tourist state. But more importantly than helping us in attracting tourists, these bears are part of a rich and diverse circle in which we all are a part of. We are ALL connected in this great circle of life and are interdependent, in some way,shape or form,upon each other. Everything exists in balance and if the homeostasis of that balance is severed,we all suffer! Meaning that if these bears are no longer protected and are allowed to be destroyed by humans, eventually the species gets critically endangered or even worse extinct, and that detrimentally affects the planet as a WHOLE. The problem with humans is that they think they are exempt from this, but we are not. Any species that exempts itself from the "natural laws" ends up destroying the diverse community in order to support its own expansion. That's what I see happening in the world today. Modern humans view themselves as Lord's of the earth, and feel the need to take control of and "conquer" other species, (these bears for instance), and so they live in a constant state of unbalance and discord and anything they do is never "enough" because they are not at peace,but the native cultures of the world (native indian,aboriginals,alaskan eskimos, to name a few) don't live like that. They live in reference and respect for the earth and only take what they need,giving thanks and praise to our Creator for what they DO take.They live in peace, balance and harmony. God gave humans dominion over all creatures to care for them and to protect them, and this planet that we ALL share, not to divide and conquer! This opening up of bear hunting is one of the worst ideas, in the long,sad history of bad ideas. Please, I implore you to reconsider this, for All our sakes. Thank you for your time and attention regarding this matter.

Sincerely,
Mary Johnson



Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Brenda Buzzell <brendabuzzell99@gmail.com>
Sent: Sunday, April 10, 2022 11:41 AM
To: rrc.comments
Subject: [External] Bears

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Please stop this cruel Bear hunt. Undue the Riesling to hunt bears! Thank you for your kindness to animals.

Burgos, Alexander N

From: ROBERT MYERS <bobwmyers@me.com>
Sent: Friday, April 8, 2022 7:54 PM
To: rrc.comments
Cc: Rules, Oah
Subject: [External] Objection to designating a bear sanctuary as a bear management area

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report [Spam.<mailto:report.spam@nc.gov>](mailto:report.spam@nc.gov)

Robert Myers

April 8, 2022

Bears which grow up in a sanctuary are not the same as bears raised in the wild.

To hunt them with dogs is to cause damage to the dogs and bears as well as the hunters who are not hunting but are merely shooting bears.

What self-respecting North Carolinian would be proud of that?

Thank you,

Robert Myers

Burgos, Alexander N

From: JOHN SATKOWSKI <jillka@verizon.net>
Sent: Friday, April 8, 2022 6:50 PM
To: rrc.comments
Subject: [External] Bears

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Please let the bears live peacefully in the sanctuary and not hunted.

Burgos, Alexander N

From: Kimberly Craig <allaboutthered@icloud.com>
Sent: Sunday, April 3, 2022 11:50 AM
To: rrc.comments
Subject: [External] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Has rule 15A NCAC 10D.0106 Changing 3 bear sanctuary areas in Western North Carolina to areas to kill bears been reviewed yet? I know the rule was approved. It is my understanding that the approved rule now goes to a review board?

Please let me know
Thank you,
Kim Craig
Jackson County Resident

Sent from my iPad

Burgos, Alexander N

From: Sharon Franco <shar5334@gmail.com>
Sent: Sunday, April 10, 2022 7:53 PM
To: rrc.comments
Subject: [External] Update on petition — Stop Rule That Allows N.C. Bears Living In Bear Sanctuaries To Be Killed By Trophy Hunters

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hi,

I wanted to share an exciting update about a petition I signed on [Change.org](#): "Stop Rule That Allows N.C. Bears Living In Bear Sanctuaries To Be Killed By Trophy Hunters".

Read about the update "URGENT: Take Action Now To Save North Carolina Bears - New Calls To Action" below, and join me in supporting this campaign by signing the petition!

<https://chnng.it/4qpWgh2YCJ>

Thanks!
sharon

Sharon Franco RD LD
Registered Dietitian

Burgos, Alexander N

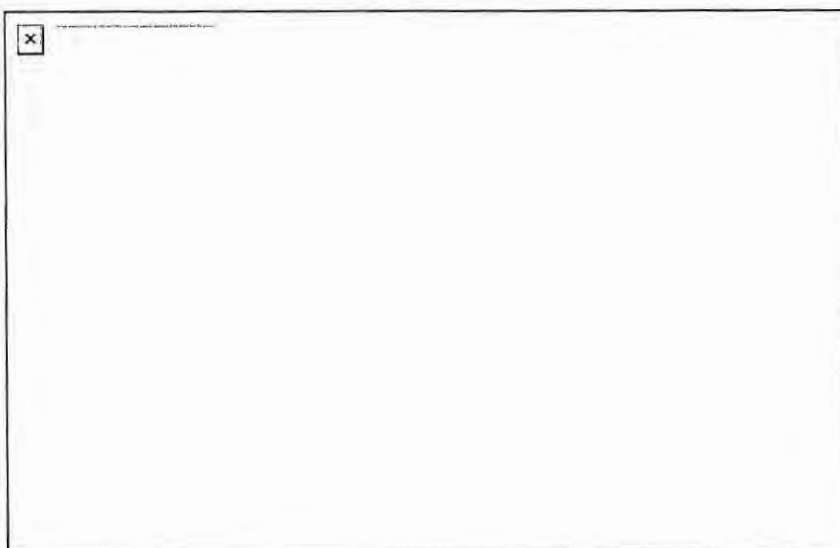
From: Erika Gettig <erika.gettig@saintandrews.net>
Sent: Friday, April 8, 2022 5:45 PM
To: Rules, Oah; McGhee, Dana; rrc.comments
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: bear letter.pdf

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dear committee members,

As a summer visitor to Brevard, North Carolina, and specifically Pisgah Forest, for the last 12 years, I believe it's important for committee members to hear the perspective of tourists who are committed to spending money in the towns that surround state and national forests as well as designated wildlife areas. North Carolina's approach to managing those forests and wildlife can inspire and attract tourists, it can also disgust and repulse them. Thank you for considering the details of my formal comment attached in a letter form as a pdf.

Thank you.



McGhee, Dana

From: Sue Willis <willis0147@btinternet.com>
Sent: Monday, April 11, 2022 6:53 AM
To: McGhee, Dana
Subject: [External] 15A NCAC 10d.0106 - BEAR SANCTUARIES
Attachments: BEARS AT PISGAH.doc

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dear Ms McGhee

Please consider my attached letter re the above.

Emergency yesterday prevented me from finalising this request for consideration.

Yours Sue Willis.

10 April 2022

Dear Dana McGhee

Re: 15A NCAC 10D.0106

I write to you with concern that the 3 sanctuaries of Pisgah, Panthertown-Bonus Defeat and Standing Indian Bear Sanctuaries remain as designated *“sanctuaries”*.

The area's in question to be opened as “management” sites is surely inappropriate for such a colossal area which will be impossible to monitor behaviour of shooting, and hunting dogs. Dogs do get out of control such has happened here in the UK. (At present a court action is going through where uncontrollable hounds entered a housing estate killing a domestic pet as the owner could not get to her pet in time, and just witnessed the frenzy). The US government cull millions of indigenous animals every year in response to farmers requests.

The request to change the Bear Sanctuaries to Bear Management is an indulgence for the few, on an unprecedented scale. The three sites are so large that it will be impossible to monitor, observe and record the activities of shooting/killing. There will be other species killed as they panic to escape. This whole change in a name is one of an excuse for hunters priority only. As with UK policies killing a species of wildlife does not resolve the problems within that species of wildlife.

I have to question why have hunters pressured NCWRC to open up these areas so they can hunt? Does this mean that wildlife has dwindled become rarer in other areas.

To reduce such large areas to become barren of all wildlife will be detrimental to the whole environment harmful of 3 specific sites as mentioned above. Nil tranquillity of the sites being considered, and less

tourists. People need their spaces today to the ever increasing stresses of life.

The achievement of food lockers being installed is a success and one of installing more lockers which is on going. As I read Bears manage their own population through delayed implantation.

The above measures have made these special sites a wonder for the tourists near and far, local businesses need tourists for finance to survive, local people being employed for tourists and the education in nature that could be used for the children visiting. To actually see an animal in the wild in it's own habitat is the best reward one can have and remember for years. The outdoor recreation and employment of people is vital for the community. I see there are thousands of businesses reliant on these special places for walking, cycling, tranquillity, resting and a chance to some wildlife.

NCWRC stakeholders oppose the opening of sanctuaries to hunting, again pressure from a specific fraternity is pushing for this change. So it speaks volumes "*minority over the majority*".

NCWRC does not appear to be specific about permits to be issued and the cost of permits along with doubt of the number of bears to be culled. The issues on this whole process is one of suspicion to the bystander.

I see North Carolina law re dogs being used in a lawful hunt are exempt from certain rules. As my comment above proves dogs when hunting can become out of control and kill pet dogs, and possibly children. I am sorry to say in this day and age it is a serious possibility and something that everyone needs to consider. How do you trace what dog/dogs did a fatal act, and in the process destroy that one dog or the whole pack would need to be put down, how many?

At my age now of 74 years I see less and less nature in my own land due to destruction, so please, do consider seriously this application to open up nature to a specific group.

Yours sincerely
Ms Sue Willis.

McGhee, Dana

From: Bambirobinson <bambirobinson@gmail.com>
Sent: Saturday, March 5, 2022 1:53 PM
To: Rules, Oah
Subject: [External] Stop Panthertown bear hunting

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Please stop bear hunting in Panthertown. I go there daily and worry about my safety from hunters. I live next door to Panthertown. I don't have a problem with bears. The few encounters I know about were because campers did not store food properly. Bear boxes are now in place. Please don't allow hunting.

Bambi Robinson

Sent from my iPad

McGhee, Dana

From: Barbara Jackson <barbara.c.jackson@gmail.com>
Sent: Wednesday, March 9, 2022 11:52 AM
To: Rules, Oah
Subject: [External] Appeal the vote to allow Bear Hunting in NC National Forrests

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

I'm one of the more than 2000 messages that the NC Wildlife Resource Commission received in opposition to hunting bears, I'm asking that you stop the approval and reconsider the decision. It's not inconceivable to me that the NCWRC ignored the requests of its citizens. I'm well aware that power and money makes the decisions in local and national politics. I would ask that you take a look at the representation - the individuals that make up that commission and look at their justification for approval. Do they represent the mindset of the current day citizens of NC? I would also ask that you take a close look at the reports from the wildlife biologists regarding the bear population. I don't believe the report. I know from being in the technology industry for 25 years that data can be made to represent anything you want it to.

I'm a full-time resident of NC living in Lake Toxaway, NC and I walk the Panthertown area every day. I realize that this decision affects other areas and I'm just as against it in the other areas as I am here.

I'm not a tree hugger or an animal rights activist nor have I let my female sensitivities run away with logic. I grew up hunting with my father who was a double retiree from the Marines and the AirForce. I don't have a problem with the killing of a bear that is making a nuisance of itself by killing livestock. I have a guttural objection to the blood sport of "bear hounding". The words, "make it a clean kill" were said over and over again until it was the first thought before shooting. I don't care that it has "legacy", lots of things have gone to the wayside that had "legacy" because people finally realized the wrongness of it.

I'm not even a big advocate of the Humane Society but rather provide my support to local animal support groups. However, they do have an excellent article that I have linked below that was well written by someone who articulated perfectly the inhumanness of the blood sport of bear baiting as well as its long term impact on the welfare of bear populations. It upsets the balance of their ability to sustain themselves during winter. It upsets hierarchical order and causes more killing of cubs not fathered by the same male. We have healthy bears in NC and are not dealing with the terrible mange that is running rampant through bears from Virginia northward. Bears are already stressed with human population growth. Their only safe place is our National Forest lands which should be protected habitat. Don't stress them any more by allowing them to be chased with dogs by hunters. Dogs kill cubs, dogs don't care if it's a male or a female bear when they get on the scent. Hunters, no matter how much they profess their talent at knowing females from male are just as likely to shoot whatever is before them in the heat of the hunt.

Please investigate the NCWRC approval and keep bear hunting out of our National Forests. Keep our bear populations healthy by overturning this decision.

Article link: <https://www.humanesociety.org/resources/facts-about-bear-hounding>

Sincerely,

--

Barbara Jackson

Cell: [REDACTED]

FILED

MAR 10 2022

3-07-2022

OFFICE OF ADMIN HEARINGS

FROM: TOM GRIFFIN

~~2100 COWEETA LAB RD.~~
~~OTTO, NC 28763 9211~~

TO: RULES REVIEW COMMISSION
OFFICE OF ADMINISTRATIVE
HEARINGS
1171 NEW HOPE CHURCH RD
RALEIGH, N.C. 27609

SUBJECT: BEAR HUNTING IN
SANCTUARY AREAS

THIS IS MY OFFICIAL PROTEST
TO THE UNANIMOUS VOTE
CAST FEB. 24, 2022 BY THE
NORTH CAROLINA WILDLIFE RESOURCES
COMMISSION TO ALLOW THE
CONTROVERSIAL AND TOTALLY
WRONG VOTE TO ALLOW
BEAR HUNTING IN SANCTUARY
AREAS: EXAMPLE: STANDING
INDIAN

I LIVE IN OTTO, N.C. AND
MY PROPERTY BORDERS U.S.F.S.
LAND AT THE COWEETA LAB

I HAVE BEEN HERE AND
WALKED AND DRIVEN ALL

2.

OVER THE LAB AND STANDING
INDIAN AREA AND I
HAVEN'T SEEN THE FIRST
BLACK BEAR OR BEAR
SIGNS.

SANCTUARY MEANS SANCTUARY-
NO HUNTING, TRAPPING,
WHATEVER.

IF AN OCCASSIONAL HIKER OR
PROPERTY OWNER HAS AN
ENCOUNTER WITH BLACK BEARS
SO BE IT.

THE NORTH CAROLINA WILDLIFE
RESOURCES COMMISSION NEEDS
TO GET INVOLVED IN BEAR
SAFETY EDUCATION PROGRAMS/
TRAINING — NOT KILLING
IN SANCTUARY AREAS.

THERE IS NO PROBLEM WITH
AN OVERPOPULATION ON BEARS.
NO PROBLEM!

I MOVED TO OTTO FROM
PACOSA SPRINGS, COLORADO
IN THE SAN JUANS AND
WE PRACTICED BEAR SAFETY.

3.

BEAR SAFETY - BEAR PROOF
TRASH CANS, COMMON
SENSE THINGS, LIKE NO
BIRD / ANIMAL FEEDERS
LEFT OUT AT NIGHT, NO
PET FOOD LEFT ON THE
PORCH, NO LIVESTOCK
FOOD AVAILABLE TO THE
CRITTERS. -

AGAIN - SANCTUARY AREAS
MEAN SANCTUARY

I INTEND TO PROTEST THIS
ASSININE RULING TO
THE HIGHEST LEVEL IN
STATE GOVERNMENT

AGAIN - THINK ABOUT IT!

TOM GRIFFIN
29160 COWEETA LAB RD.
OTTO, NC 28763

828 369-5253
C 678 708-3576

P.S. I HAVE NO COMPUTER OR
E-MAIL - CAN'T FIND A
LETTER TEMPLATE, HOPE
THIS WORKS!

McGhee, Dana

From: Slocum Howland <slocumhowland@outlook.com>
Sent: Tuesday, March 15, 2022 7:31 AM
To: Rules, Oah
Subject: [External] Bear hunting in Panthertown

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

ALL:

I am a full time resident of Macon County and **strongly oppose bear hunting in Panthertown**. I hike in Panthertown on a regular basis and bear hunting in that area will endanger hikers. The bears pose no danger to visitors to Panthertown.

Please reconsider your previous decision.

Thank you for your consideration.

Slocum Howland

McGhee, Dana

From: James Riddle <riddle4iu@gmail.com>
Sent: Tuesday, March 15, 2022 9:16 AM
To: Slocum Howland
Cc: Rules, Oah
Subject: [External] Re: Bear hunting in Panthertown

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good letter

JR

On Tue, Mar 15, 2022, 7:30 AM Slocum Howland <slocumhowland@outlook.com> wrote:

ALL:

I am a full time resident of Macon County and **strongly oppose bear hunting in Panthertown**. I hike in Panthertown on a regular basis and bear hunting in that area will endanger hikers. The bears pose no danger to visitors to Panthertown.

Please reconsider your previous decision.

Thank you for your consideration.

Slocum Howland

McGhee, Dana

From: (null) lindysgifts1 <lindysgifts1@frontier.com>
Sent: Tuesday, March 15, 2022 10:37 AM
To: Rules, Oah
Subject: [External] Bear hunting

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Panhetown should not be open to bear hunting. Too many hikers and campers would be injured or affected.
Marsha

Sent from my iPhone

Mar 10, 2022

Dean W. R. C. & Disastrous Ideas & Rules
Dept.

In regards to your Unanimous vote of the opening of bear Sanctuaries in Western part of N.C. Panther Town, Standing Ind. & Pisgah area. A very controversial Proposal from bear hunters who dissagreed. 379 people that commented on the proposal at a meeting that was held in Marion, not even in the district that was to be opened 86% opposed significantly. What even happened to the majority on a vote rules?

If we supposedly have 7,000 plus bears they are around Asheville area & the housing development around ~~own~~ mountains with locked gates, where you can't hunt. I'd say, very few bear & human encounters happen. If some of the stupid people wouldn't run up to the bears with cubs & elk to take pictures, like they are some animals few problems would occur.

My opinion of the house owners that are concerned about bear dogs staying on public land while chasing bear, probably have yard & house dogs that bark at every little racket they hear, & buy the way

beaver dogs offer no danger to the people that has private property on their property not near as much damage that Elk does to crops, fences, & land, it seems like dogs having a good time chasing beaver & a public eye.

I submitted a letter to the rules dept. that we feed & train our dogs year around for one beaver harvest Tag, while deer hunters have six Tags. If you W.R.C. would issue two Tags you would see a greater number of beaver being harvested than you think.

I'm Eighty years old, probably won't effect my hunting very much won't to kill more beavers, but I'm afraid my Grandson, & Great Grandson will have a problem.

I think also the W.R.C. & Jones T service need to not close off so many roads after beaver season & Deer, it deprives the small game hunter two months of use of the same road, we used to, coon, squirrel, grouse & rabbit hunt, which you are waisting your time hunting grouse in Western Nid. anyhow.

P.S.

Don't favour people moving in here from all over the U.S. anti-hunters that pay nothing for the use of Gov. land. Harold W. Rogers

McGhee, Dana

From: Janice Foltz <organic4444@hotmail.com>
Sent: Wednesday, March 16, 2022 6:22 PM
To: Rules, Oah
Subject: [External] Letter to board appealing this culling of black bears in sanctuaries.
Attachments: bear paper.docx

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

03-16-2022

I am strongly opposed to the N.C. Wildlife Resource Commissions ruling to open 3 bear sanctuaries for hunting. It's like a barbaric, unannounced war on bears which may have the consequence of making the bears more aggressive and problematic. I think that increased public education and enforcing fines when people choose to ignore the rules is a much more humane approach. We need to remember; these lands are the homes of wild animals and we are visitors when we enter the sanctuaries. The idea that all resources on this planet are here for human manipulation and benefit, is an attitude that needs to change for the benefit of all. And as a hiker, I do not want to be concerned about hunters in the area. I am there for the peace the wilderness brings. Hearing hunting dogs and gunshots is upsetting at best. When 86 % of public comment opposes a proposal/ruling, those in charge of decisions need to not only hear us but vote with us.

Jane Thomas

Sent from my iPhone

03-16-2022

I am strongly opposed to the N.C. Wildlife Resource Commissions ruling to open 3 bear sanctuaries for hunting. It's like a barbaric, unannounced war on bears which may have the consequence of making the bears more aggressive and problematic. I think that increased public education and enforcing fines when people choose to ignore the rules is a much more humane approach. We need to remember; these lands are the homes of wild animals and we are visitors when we enter the sanctuaries. The idea that all resources on this planet are here for human manipulation and benefit, is an attitude that needs to change for the benefit of all.

And as a hiker, I do not want to be concerned about hunters in the area. I am there for the peace the wilderness brings. Hearing hunting dogs and gunshots is upsetting at best. When 86 % of public comment opposes a proposal/ruling, those in charge of decisions need to not only hear us but vote with us.

Jane Thomas

Kay & Edwin Poole

3/14/22

Office of Administration Hearings
1711 New Hope Church Road
Raleigh, NC 27609

Ref: 15A NCAC 10D.0106

Hello,

Please do not allow bear hunting (or any other type of hunting) in Panthertown. I no longer live in NC, but I spent years hiking in western NC and especially enjoyed Panthertown. It is a beautiful wild (except for all the hikers) place and to allow hunting seems mighty dangerous.

Sincerely,



Edwin H. Poole

OFFICE OF
ADMIN HEARINGS

2022 MAR 17 AM 10:19

FILED

McGhee, Dana

From: evans gleaton <pegleaton@icloud.com>
Sent: Saturday, March 19, 2022 5:59 PM
To: Rules, Oah
Subject: [External] Panthertown Valley bear hunt

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

The NCWRC only represents the hunting community. Public opinion overwhelmingly opposed this action allowing bear hunting in Panthertown.
The commission is corrupt.

Sent from my iPad

McGhee, Dana

From: Kimberly Craig <allaboutthered@icloud.com>
Sent: Sunday, April 3, 2022 11:18 AM
To: Rules, Oah
Subject: [External] Management area concern

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Please do not allow bear killing in a bear sanctuary!

Sincerely,
Kim Craig
Jackson County, NC

Sent from my iPad

Re: 15A NCAC 10D.0106 Bear Sanctuaries

To the Members of the Commission,

I request that the above rule be reviewed in the upcoming legislative session as set out in NC
G.S. 150B-21.3

I further request that the rule be subject to a delayed effective date as set out in that same
provision.

Thank you for listening and for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Anne Edwards". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

Anne Edwards

Linda Schroeder

384 Glen Rd

April 8, 2022

N.C. Rules Review Commission

1711 New Hope Church Rd

Raleigh, NC 27609

Re: (15A NCAC 10D.0106)

Bear Sanctuaries

Dear Commission Members,

I request that the above be reviewed in the next legislative session as set out in

N.C.G.S. 150B-21.3. In

addition, I request that the rules be subject to a delayed effective date as determined in that same provision.

The N.C. Wildlife Resources

Commission recently adopted

a rule that allows unnecessary

bear hunting (and hunting
with dogs!!!) in the
Pisgah, Panther town - Bonas
Defeat, and Standing Indian
Bear Sanctuaries.

The term "designated bear
sanctuaries" was changed to
"designated bear management
areas".

I come to our PARKS to
see wildlife. If this is
passed - what am I going
to see? Dead or
injured bears?

Guess where I will NOT
go in the fall if this
is upheld?

Thank you for your attention.

LINDA A Schroeder

Linda A Schroeder



Friends of Panthertown, inc.

P.O. Box 51 • Cashiers, NC 28717 • 828-269-HIKE (4453) • www.panthertown.org • friends@panthertown.org

Friends of Panthertown, Inc.
PO Box 51
Cashiers, NC 28717

April 14, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

We request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. We further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Jason Kimenker
Executive Director
Friends of Panthertown, Inc.

Sue Wachtel

Cape Coral, FL

New Rules Review Commission

1711 New Hope Church Road

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonus Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U. s. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the USFS has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process

called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the MacSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges to have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof lockers have been installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years and more food lockers being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86 per cent of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourists and outdoor recreation industries are significant contributors to North Carolina's economy .
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs when camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets and private property owners. Tourists and residents will think twice before bringing their family to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved the Rules Review Commission.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Sue Wachtel". The signature is written in a cursive style with a large, stylized 'S' and 'W'.

Sue Wachtel

ear members of the Commission:

I request that the above rules be reviewed in the upcoming legislative session as set out in N.C.G.S. SOB-21.3. I further request that the rules be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allow bear hunting with dogs in ~~the~~ Pisgah, Panthertown - Bonas Defect, and standing Indian Bear Sanctuaries along with a change in the term

"designated bear management area" is not clear and unambiguous for the following reasons:

1. The NCWRC's basis for the rule was that U.S. Forest Service (USFS) requested that they open the sanctuaries to hunting, due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflict. The opposite has been proved. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own population through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity. Further, Jacob Humm and Joseph Clark from the University of Tennessee recently published their spatially explicit mark-recapture study of female black bears in the Southern Appalachian highlands of GA, TN, SC and NC. They determined that 2983 females bears existed in WNC including those protected inside of Great Smoky Mountains National Park. Using UT's population estimate, NCWRC mortality data, and an assumption that half the ~~pop~~ population is female, 23% of bears in WNC are being harvested every year. Prominent researcher (Bunnell and Tait) have set 23% as the maximum mortality rate, so NC's bear population is already at its limit without opening up more protected area to bear hunters.

The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholder on April 5, 2022 at Tri-County Community College in Murphy to discuss the recently adopted rule. The entire room was full of hunters and a few non-hunters. State Representative Karl Gillespie and Senator Corbin sponsored the meeting. Rep Gillespie asked everyone in favor of the rule to raise their hands.

Not a single person raised their hands, including the hunters that the NCWRC alleges have been pressuring them to open the three bear Sanctuaries to hunting. At the end of the meeting, Rep. Gillespie was in attendance. He asked everyone in favor. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

For all of the reasons listed above, I request that 15A NCAC 10D.0106] Bear Sanctuaries not be approved by the rules review Commission.

Thank you for your Consideration.

Ji Montgomery
Ji Montgomery

April 10, 2022

Mary Radike Smith

April 8, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years,

and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

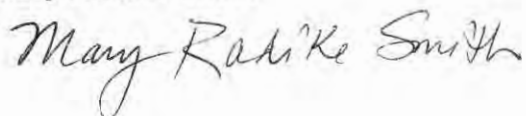
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Mary Radike Smith

A handwritten signature in cursive script that reads "Mary Radike Smith". The signature is written in dark ink and is positioned below the printed name.

NEW YORK, 4/9/22

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County

Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
- 6.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sincerely,
Marina Tiedemann
Email: alassio91@aol.com

**"To my mind, the life of a lamb is no less precious than that of a human being...I hold that, the more helpless a creature, the more entitled it is to protection by man from the cruelty of man."
(Mahatma Ghandi)**

bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

I have visited North Carolina many times. I will not be back to spend money unless these bears are protected in designated sanctuaries where NO hunting is allowed.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you,
Mary Shabbott

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:36 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear killing

From: Denise et Jacques <inkelstamour@videotron.ca>
Sent: Friday, April 8, 2022 5:10 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Bear killing

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term **"designated bear sanctuaries to "designated bear management areas"** is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. **It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven.** The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, **the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020.** Over the past two years, the **U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts**, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. **Bears regulate their own populations through a process called delayed implantation.** This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. **He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.**
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. **Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.**
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, **I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.**

Thank you for your consideration.

Denise Inkel
Montreal Canada

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:34 PM
To: Burgos, Alexander N
Subject: FW: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

From: ingris ingris <ingriste@hotmail.com>
Sent: Saturday, April 9, 2022 6:10 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Ingris.K

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:37 PM
To: Burgos, Alexander N
Subject: FW: [External] Protection of bears aka life

From: michaelwauschek <michaelwauschek@yahoo.com>
Sent: Friday, April 8, 2022 7:14 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Protection of bears aka life

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hello my name is Michael Wauschek
4/8/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules

Sent from my Metro By T-Mobile 4G LTE Android Device

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:33 PM
To: Burgos, Alexander N
Subject: FW: [External] objection

From: Larissa Sarycheva <larus.aug@yandex.ru>
Sent: Saturday, April 9, 2022 9:40 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] objection

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
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3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

Thank you for your consideration.

Larissa Sarycheva

4

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:33 PM
To: Burgos, Alexander N
Subject: FW: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

From: Tina Pattinson <tina.pattinson@yahoo.co.uk>
Sent: Saturday, April 9, 2022 10:06 AM
To: Rules, Oah <oah.rules@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Kind Regards

Tina Pattinson

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:38 PM
To: Burgos, Alexander N
Subject: FW: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

From: Claire Flewitt <claireflewitt@hotmail.com>
Sent: Friday, April 8, 2022 9:07 PM
To: Rules, Oah <oah.rules@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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N.C. Rules Review Commission

1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Claire E. Flewitt

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Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:39 PM
To: Burgos, Alexander N
Subject: FW: [External] 15A NCAC 10D. 0106 Bear scandary

From: Ji Montgomery <jiprk99@gmail.com>
Sent: Friday, April 8, 2022 10:51 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] 15A NCAC 10D. 0106 Bear scandary

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Dear member of commission

I requested that the above rules be reviewed in upcoming legislative session as set out in N.C.G.S 150 B -21 .3 I further request that the rules be subject to a delayed effective date as set out in that some provision. The North Carolina wildlife resources commission's recently adopted rule that allows bear hunting and hunting wild dogs in the pisgah, pantertown- Bonas defeated, and standing Indian bear scandary along with a change in term. " Designated bear management area" is not clear and unambiguous for the following reasons;

The NCWRC'S basis for the rule was that the US FOREST SERICE (USFS) requested that they open up the scandaries to hunting due to increased bear- human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear- human conflict. The opposite has been proven. The NCWRC also failed to mention in 2018, and the request was solely for panthertown. Additionally, the problem with bear human conflicts has been subsequently resolved by introducing bear- proof food lockers in 2020. Over the past two years, the US, forest service(USFS) has not received any complaints regarding bear- human conflicts,and there are plans to install more food lockers as proactive measure in preventing future bear- human conflict. For all the reason listed above, request that 15A NCAC 10D.0106 BEAR SCANDARIES NOT be approved by the rules review commission.

Ji Montgomery

April 8 2022

Thank you for your consideration
Ji Montgomery

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Ingo Regier

April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met

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4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "I. Regier". The signature is fluid and cursive, with a large initial "I" and a stylized "R" and "G".

Ingo Regier

Grace Scalzo

April 13, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision

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6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Grace Scalzo

Theodore R. Scalzo

April 13, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a

single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

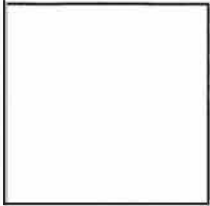
Theodore R. Scalzo

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:20 PM
To: Burgos, Alexander N
Subject: FW: [External] 15A NCAC 10D .0106 Bear Sanctuaries

From: Tom DS <thunderlight77@gmail.com>
Sent: Wednesday, April 13, 2022 9:48 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] 15A NCAC 10D .0106 Bear Sanctuaries

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Tom Dasilva

04/13/2022

04/13/2022

04/13/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with

a change in the term "designated bear sanctuaries to "designated bear management areas" is **not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Tom DaSilva

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Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:19 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Sanctuary vs Bear Management Areas

From: Robin Davis <1jaxmom@gmail.com>
Sent: Wednesday, April 13, 2022 10:24 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Bear Sanctuary vs Bear Management Areas

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted a rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas." **This is not clear and is ambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Further investigation into these "human bear conflicts" has shown no quantifiable data to back up these claims. Additionally, the perception of negative bear-human encounters has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is confusing instead of clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts. This is an example of proper and successful management of the bear population in action.
2. Hunting does not reduce bear-human conflicts; in contrast education is proven to stem perceived negative encounters.

3. Science and data show that bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including hunters. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The proposed bear hunting season is a popular time for tourism (leaf season) and has the potential for tragic outcomes when out-of-town guests hike into hunting areas.

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas creating a negative economic impact to these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your time and consideration of the protection of all of the resources of our beautiful state.

--

Robin Davis





"I want people to care,
to fall in love,
to take action."





~Joel Sartore



Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:17 PM
To: Burgos, Alexander N
Subject: FW: [External] Stop the NC bear hunting 21st Apr 22.

From: Natasha Bready <natashabready@icloud.com>
Sent: Thursday, April 14, 2022 7:45 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Stop the NC bear hunting 21st Apr 22.

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and

there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration and time

On this painful subject today.

Natasha

Sent from my iPhone

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:16 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Sanctuaries

From: K. Shehan <kim_shehan@yahoo.com>
Sent: Thursday, April 14, 2022 8:47 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Bear Sanctuaries

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Kimberly Shehan

4/14/22

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries, along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

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5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Kimberly Shehan

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Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:15 PM
To: Burgos, Alexander N
Subject: FW: [External]

From: Stacy Cook <stacycook72.sc@gmail.com>
Sent: Thursday, April 14, 2022 9:45 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External]

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

[Name]
[Address]

[Date]

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries, along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full

of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Stacy R Baker

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:15 PM
To: Burgos, Alexander N
Subject: FW: [External] Fw: Bear Sanctuaries

From: TERESA PENDLETON <countryms39@aol.com>
Sent: Thursday, April 14, 2022 9:51 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Fw: Bear Sanctuaries

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Lynne Pendleton

April 14, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries, along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the

past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Lynne Pendleton

Sent from the all new AOL app for Android

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Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:26 PM
To: Burgos, Alexander N
Subject: FW: [External] Fwd: URGENT: BEAR SANCTUARIES

From: Bill Skinner <billskinner77@gmail.com>
Sent: Sunday, April 10, 2022 4:59 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Fwd: URGENT: BEAR SANCTUARIES

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Sent from my iPhone

Begin forwarded message:

From: Nita Hunt <nitah63@gmail.com>
Date: April 10, 2022 at 4:37:26 PM EDT
To: Bill Skinner <billskinner77@gmail.com>
Subject: URGENT: BEAR SANCTUARIES

William Skinner

4/10/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing

their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

William Skinner

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:12 PM
To: Burgos, Alexander N
Subject: FW: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

From: sophie milano <lovemilano@outlook.com>
Sent: Thursday, April 14, 2022 2:20 PM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries, along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and is ambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sophie Milano.

Burgos, Alexander N

From: McGhee, Dana
Sent: Monday, April 18, 2022 2:14 PM
To: Burgos, Alexander N
Subject: FW: [External] [15A NCAC 10D .0106] Bear Sanctuaries

From: Heather Russell <ncbirdnerd@gmail.com>
Sent: Thursday, April 14, 2022 10:49 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is NOT CLEAR and AMBIGUOUS for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Further investigation into these "human bear conflicts" has shown no quantifiable data to back up these claims. Additionally, the perception of negative bear-human encounters has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is confusing instead of clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts but education is proven to stem perceived negative encounters.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. Panthertown is touted to be the "Yosemite of the East". As an avid nature lover and wildlife photographer I enjoy exploring the trails in Panthertown. I enjoy the peacefulness I find there on the trails. I also enjoy sitting, watching and photographing the waterfalls. I imagine it would be quite a different environment if it were to be opened up to bear hunting. I know, I myself would NOT want to be on the trails with hunters, their guns and dogs! I can honestly say that in all my time in Panthertown I have never had a bear encounter. I would truly reconsider visiting Panthertown and the area (since Panthertown is a main draw) if it were opened to hunting.

3. The bear hunting season is a popular time for tourism (leaf season) and has the potential for tragic outcomes when out-of-town guests hike into hunting areas.

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas creating a negative economic impact to these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your time and consideration,

Heather Russell

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:58 PM
To: Burgos, Alexander N
Subject: FW: [External] Stop the NC bear hunting 21st Apr 22.

From: Natasha Bready <natashabready@icloud.com>
Sent: Thursday, April 14, 2022 7:41 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Stop the NC bear hunting 21st Apr 22.

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest

Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration and time today on this painful subject.

Natasha

Sent from my iPhone

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:59 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Sanctuary vs Bear Management Areas

From: Robin Davis <1jaxmom@gmail.com>
Sent: Wednesday, April 13, 2022 10:23 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear Sanctuary vs Bear Management Areas

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted a rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas." **This is not clear and is ambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Further investigation into these "human bear conflicts" has shown no quantifiable data to back up these claims. Additionally, the perception of negative bear-human encounters has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is confusing instead of clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts. This is an example of proper and successful management of the bear population in action.

2. Hunting does not reduce bear-human conflicts; in contrast education is proven to stem perceived negative encounters.

3. Science and data show that bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including hunters. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The proposed bear hunting season is a popular time for tourism (leaf season) and has the potential for tragic outcomes when out-of-town guests hike into hunting areas.

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas creating a negative economic impact to these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your time and consideration of the protection of all of the resources of our beautiful state.

Robin Davis

"I want people to care,
to fall in love,
to take action."

~Joel Sartore



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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 2:00 PM
To: Burgos, Alexander N
Subject: FW: [External] Bear Sanctuary

From: Helen Moore <hmpanther@me.com>
Sent: Wednesday, April 13, 2022 9:18 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Bear Sanctuary

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April 13, 2022

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Was the rule clear and unambiguous? No! The rule does not stipulate how many permits may be issued in each area or what limits will be placed on them. What they presented were concepts, rules that will be different for each of the three areas but not delineated in the new rule. That is unacceptable. How can you approve a rule without knowing what it is?

Is it reasonably necessary to implement the rule? NO! One of the reasons specified for the hunt was the increased number of human-bear conflicts in the sanctuaries. Since 2020 when two bear-proof lockers were installed in Panthertown Valley, there have been NO human-bear conflicts. With the 3 additional vaults planned for installation this year, conflicts should not be an issue. Instituting BearWise measures in and around the sanctuaries can also help mitigate human-bear conflicts.

The commission claims there are too many bears, but they admit the sanctuaries have not reached their biological carrying capacity. I know many people who hike frequently in the valley, and none has ever seen a bear. Bears naturally regulate the number of offspring according to the availability of food. There is no need to kill them.

The Commission also says there aren't enough places to hunt bears, yet the 2020 bear harvest was the second largest in NC's record.

Another reason the Wildlife Commission gave for opening the area to hunting was to provide more places to hunt bears. That is not what actual bear hunters want. They want to preserve places where the bears are protected in order to keep a healthy population.

86% of comments were opposed to this rule. Most hunters are opposed to this (100% of hunters at a recent public hearing). There is very little public support for this

For all these reasons, the rule cannot be deemed "reasonably necessary to implement."

Education and mitigation are what's needed, not killing.

In addition, there could be an economic impact if people stop coming to the sanctuary areas for hiking, camping, picnicking, photography, rock climbing, fishing, etc. They certainly won't feel comfortable with packs of dogs running around and hunters shooting off their guns. Hunting dogs can be aggressive and dangerous. People won't want to share the trail with them. Considering that people come here from distant states and spend money on hotels, meals, etc., the economic impact could be great.

Therefore, I respectfully request the above rules be reviewed and not approved.

Helen Moore

[Faint signature]

[Faint signature]

[Faint signature]

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 2:01 PM
To: Burgos, Alexander N
Subject: FW: [External] [15A NCAC 10D .0106] Bear Sanctuaries

From: sdoull <sdoull@aol.com>
Sent: Wednesday, April 13, 2022 8:13 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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Sarah F. Doull

4/13/22

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is **not clear and unambiguous for the following reasons**;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to

raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.
Sarah F. Doull

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 2:01 PM
To: Burgos, Alexander N
Subject: FW: [External] [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: BearLettert.pdf

From: Ted Scalzo <tscalzo@mac.com>
Sent: Wednesday, April 13, 2022 8:06 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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Theodore R. Scalzo 216 Fox Hill Spring Branch, TX 78070 April 13, 2022
N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609 Re: [15A NCAC 10D .0106]

Bear Sanctuaries Members of the Commission: I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision. The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;** 1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts. 2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity. 3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting. 4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined. **The rule is not reasonably necessary because of the following (also see above);** 1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts. 2. Hunting does not reduce bear-human conflicts. 3. Bears manage their own populations through delayed implantation. 4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule. **The rule will have a negative impact on the state's economy (economic impact);** 1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears. 2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy. 3. The bear hunting season is a popular time for tourism (leaf season). 4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping. 5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas. 6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail. 7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year. **For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.**

Thank you for your consideration. Theodore R. Scalzo

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 2:02 PM
To: Burgos, Alexander N
Subject: FW: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: BearLetter.pdf

From: Grace Scalzo <gscalzo24@gmail.com>
Sent: Wednesday, April 13, 2022 7:47 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Grace Scalzo

April 13, 2022

N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years,

the U.S. Forest Service (USFS) has not received any complaints regarding bear- human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a

single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Grace Scalzo

--

Grace Scalzo

www.gracescalzophotography.com

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 2:04 PM
To: Burgos, Alexander N
Subject: FW: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

-----Original Message-----

From: gzia@mail.com <gzia@mail.com>
Sent: Wednesday, April 13, 2022 5:07 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons; 1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above); 1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy; 1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

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Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:51 PM
To: Burgos, Alexander N
Subject: FW: [External] [15A NCAC 10D .1061] Bear

From: Tracey Varga <traceyvarga@msn.com>
Sent: Thursday, April 14, 2022 3:35 PM
To: Rules, Oah <oah.rules@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>
Subject: [External] [15A NCAC 10D .1061] Bear

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Dear Members of the Commission,

As a 25+ year resident of North Carolina and registered voter I would like to request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.

I also request that the rule(s) be subject to a delayed effective date as set out in the same provision.

The North Carolina Wildlife Resources Commission recently proposed and adopted a rule that allows bear hunting in 3 Western NC Bear Sanctuaries (Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear). A change in the " designated Bear Sanctuaries " to " designated Bear Management Areas" would allow bear hunting and hunting with dogs.

The NCWRC's reasoning for this rule to open up hunting was due to an increase in bear-human conflicts. Please note that it important to be aware that there is no documented scientific evidence to support that hunting reduces bear-human conflicts and actually the opposite has been proven. Bear-proof food lockers that were introduced in 2020 has resolved bear-human conflicts and over the past 2 years the USFS has not received any complaints regarding bear-human conflicts and more food lockers are in the plans to be installed as a continued preventative measure.

The new rule has not been clearly defined by the NCWRC as far as number of permits issued to hunters, cost of permits, number of bears allowed to kill.

The claims by the NCWRC that the North Carolina bear population is growing and needs to be managed does not take into account that bears regulate their own populations through a process called delayed implantation, which prevents bears from populating beyond their environmental carrying capacity.

Taking all these factors into account, as well as noting the public response at the recent NCWRC meeting on April 5, 2022 held at the Tri- County Community College when State Representative Karl Gillepsie asked everyone in attendance to raise their hands if they supported the rule. Not one person (including hunters that the NCWRC claims have been pressuring them to open up hunting in the Sanctuaries) raised their hand.

Please consider the negative impact this rule will have on the state's economy, tourism, businesses, outdoor recreation and the risks bear hunting (especially with dogs) can bring to tourists and residents. I personally called (spoke with or left messages) all the NCWR Commissioners on April 4 to voice my concerns and opposition to this new rule " designated Bear Management " involving 3 cherished North Carolina Bear Sanctuaries. I request that [15A NCAC 10D. 1061] not be approved by the Rules Review Commission. Please save the bears, their cubs and their pristine habitat.

Thank you for your consideration.

Feel free to contact me if you have any questions and/or comments.

Sincerely,

Tracey Varga

Burgos, Alexander N

From: Rules, Oah
Sent: Monday, April 18, 2022 1:48 PM
To: Burgos, Alexander N
Subject: FW: [External] [15A NCAC 10D .0106] Bear Sanctuaries

From: ANGELICA COLMENARES <angelicaun@hotmail.com>
Sent: Friday, April 15, 2022 1:39 AM
To: McGhee, Dana <dana.McGhee@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

My entire life I have enjoyed watching wildlife across the world, however recently I have developed intense admiration for USA bears. My goal is to visit every bear state in the upcoming years, and North Carolina is definitely in my list. In order to continue with my journey to enjoy your amazing bear population, I respectfully request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries, along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and is ambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention

that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration. I hope that not only me, but future generations can enjoy the magnificence of American Bears.

Angelica Colmenares, M.D, M.P.H

Spring, Texas

Sent from my iPhone

April 11, 2022

Members of the Commission,

I own to properties in the Pisgah forest near Burnsville, NC. I have septic systemss in both and architectural plans to build to homes for myself and family. My spouse and I will be retiring and had planned on living half of the year in NC.

As a property owner I am in objection to the recently NCWRC adopted rule that allows bear hunting with dogs in any Pisgah area.

I would not feel comfortable exposing myself, family and pet dogs to potentially being shot or attacked by hunting dogs while camping or trail walking within the forest.
If this new rule is not reversed, I will reconsider living or even visiting NC again.

Respectfully,

Borgess

Borgess

Borgess

Borgess

Please see enclosed letter before.

Objection to NCWRC Bear Rule

From: Barbara Marquet (barbieatwags@yahoo.com)

To: sophies_pyramid@yahoo.com

Date: Monday, April 11, 2022, 12:50 PM EDT

Barbara Marquet

April 11th, 2022

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries" to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule

that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

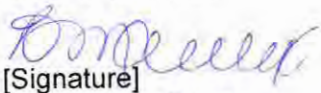
The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Barbara Marquet



[Signature]

Sent from my iPhone

April 11, 2022

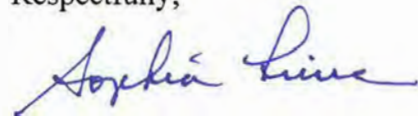
Members of the Commission,

I own to properties in the Pisgah forest near Burnsville, NC. I have septic systemss in both and architectural plans to build to homes for myself and family. My spouse and I will be retiring and had planned on living half of the year in NC.

As a property owner I am in objection to the recently NCWRC adopted rule that allows bear hunting with dogs in any Pisgah area.

I would not feel comfortable exposing myself, family and pet dogs to potentially being shot or attacked by hunting dogs while camping or trail walking within the forest.
If this new rule is not reversed, I will reconsider living or even visiting NC again.

Respectfully,



Sophia Lima

BY MAILING
RECEIVED BY MAIL

PLEASE SEE ENCLOSED LETTER BELOW.

Please see enclosed letter below.

Sophia Lima

April 11th, 2022

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sophia Lima



[Signature]

Madelyn C Stocker

April 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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Madelyn C Stocker

Madelyn C Stocker 4/9/22

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Panthertown is full of out of out of state people every October and November. Bear hunting will destroy the Panthertown reputation as a family oriented forest to visit (for hiking, camping, horse riding cycling, etc) while other areas have active hunting seasons. It is a refuge for the bears as well as the outdoors people who do not want to interact with the hunting public.

Richard J Stocker

April 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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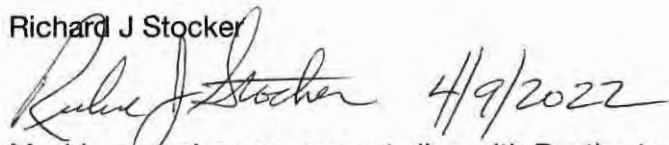
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Burgos, Alexander N

From: Cindy Covill <cindycovillinteriors@gmail.com>
Sent: Monday, April 11, 2022 9:42 AM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He

asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog

owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Cindy Covill

Burgos, Alexander N

From: Andrea Collins <andrealea@3mpodcast.com>
Sent: Monday, April 11, 2022 9:38 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Cc: Duke, Lawrence
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: Bears.pdf

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Andrea Collins

April 11, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.
 3. Bears manage their own populations through delayed implantation.
 4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule. The rule will have a negative impact on the state's economy;
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- For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Andrea Collins

Burgos, Alexander N

From: John Beaudet <bodaciousat@gmail.com>
Sent: Monday, April 11, 2022 9:22 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries (15A NCAC 10D .0106)
Attachments: Rule change commission letter.docx

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John Beaudet

April 10, 2022

N.C. Rules Review Commission

1711 New Hope Church Road

Raleigh, NC 27609

Re: 15A NCAC 10D .0106 Bear Sanctuaries

To the members of the Rules Review Commission;

I request that the above rule, adopted recently by the North Carolina Wildlife Resources Commission(NCWRC) be subject to a delay in effective date and a review in the upcoming legislative session.

This rule change that would allow bear hunting, with hunting dogs, in three long established bear sanctuaries as well as change the designation of these bear sanctuaries to "bear management areas" is unclear in it's stated purpose and ambiguous in its actions and supposed results. The proposed rule is also unreasonable and unnecessary for the following reasons.

The NCWRC's rule change states that the U.S. Forest Service requested the change for Panthertown sanctuary only, but gives no reason for the other two sanctuaries to be considered. The single request was made several years ago and actions have been taken since then (bear-proof food storage boxes installed) to remedy any problems with the result of zero problems reported since.

The rule change refers to a need to reduce the number of bears and “manage” the population when biologists know the American black bear is an animal that self regulates its population by altering its reproductive rate and does not need human intervention to remain at or below carrying capacity.

In addition, the biologists with NCWRC stated a need to kill more bears during hunting season as a means to lessen human-bear conflicts when studies have shown, and simple statistics verify, that increased harvest will not have any notable effect on such problems. Simply put, the problem the rule change addresses is not a problem at all and the solution adopted is quite flawed.

The rule change is also opposed by the vast majority of the public. A public meeting was held and most speakers opposed the rule change and subsequent comments received showed 86% opposed to the change. No proposal that can’t even get 15% of the public’s approval should be adopted anyway.

This rule change would also be bad for North Carolinas reputation as an outdoor wonderland and cause a decrease in tourism to these spectacular areas. The bear sanctuaries are a haven for nature enthusiasts who wish to escape the chaos of hunting and hunting dogs and changing the rules to allow this activity will cause them to look for other places to spend their time, and money.

This is a rule change whose stated goals will not be achieved by the proposed actions, whose logic is counter to scientific studies on the subject, whose implementation will hurt local economies, and is not supported by the public. Therefore, I ask that it be delayed and reviewed by the legislature.

Thank you for considering my comments,

John Beaudet

John Beaudet
East Tennessee Trail Association
Rocky Fork Journal
Rocky Fork Watershed Almanac



April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

Re: 15A NCAC 10D .0106 Bear Sanctuaries

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Thank you for considering my comments,

John Beaudet

Burgos, Alexander N

From: Jessica Pate <jlpate79@gmail.com>
Sent: Monday, April 11, 2022 8:39 AM
To: rrc.comments; Rules, Oah; McGhee, Dana; Duke, Lawrence
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: 15A NCAC 10D .0106 Bear Sanctuaries.pdf

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Jessica Pate

11/APR/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Jessica Pate

P.S. Please see the attached signed copy of this submission.

Burgos, Alexander N

From: Becky Wood <becksnpete@gmail.com>
Sent: Monday, April 11, 2022 8:35 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bears

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

As a potential overseas tourist I will not be coming to North Carolina until the policy of either trophy hunting and hunting with dogs of bears is dropped in sanctuaries.

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Regards,

Becky Wood

Burgos, Alexander N

From: marketqn@verizon.net
Sent: Monday, April 11, 2022 8:04 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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April 11, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Naomi M Weisman

A handwritten signature in black ink, appearing to read 'Naomi M Weisman', followed by a long horizontal line.

McGhee, Dana

From: michael bowler <michael.bowler@yahoo.ie>
Sent: Monday, April 11, 2022 10:26 AM
To: McGhee, Dana
Subject: [External] Bear Sanctuaries

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Michael Bowler

4-11-22

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

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4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106]
Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Michael Bowler

Michael Bowler

Burgos, Alexander N

From: Christine Arroyo <christinearroyo@gmail.com>
Sent: Monday, April 11, 2022 7:15 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Christine Arroyo

April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by

introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Christine Arroyo

Christine Arroyo
810 429 8055

Burgos, Alexander N

From: Ted Hume <baseliner2010@hotmail.com>
Sent: Monday, April 11, 2022 6:59 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear sanctuaries.

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

The Hume family.

Burgos, Alexander N

From: Deborah Palmer <deborahjpalmer@hotmail.co.uk>
Sent: Monday, April 11, 2022 6:48 AM
To: rrc.comments
Cc: Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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D Palmer

10 April 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Deborah Palmer

Burgos, Alexander N

From: Michelle Dennis <michellebdennis@yahoo.com>
Sent: Monday, April 11, 2022 6:13 AM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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Michelle Dennis

April 11, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Michelle Dennis

Burgos, Alexander N

From: mandy mcavoy <mandymcavoy1@hotmail.co.uk>
Sent: Monday, April 11, 2022 5:25 AM
To: rrc.comments
Subject: [External] NC rules

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Mandy McAvoy

11th April 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Thank you for your consideration.

Mandy McAvoy

Sent from my iPhone

Burgos, Alexander N

From: Angharad Davies (HEIW) <Angharad.Davies2@wales.nhs.uk>
Sent: Monday, April 11, 2022 4:58 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Angharad Davies

Burgos, Alexander N

From: Danial Asadolahi <dan.asad@gmail.com>
Sent: Monday, April 11, 2022 2:44 AM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
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4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
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Thank you for your consideration.

Danial Asadolahi

Burgos, Alexander N

From: Mohan Srinivasan <mohan.srinivasan@gmail.com>
Sent: Monday, April 11, 2022 1:54 AM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] Continued protection is needed for Bears in The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries...

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Mohan Srinivasan

April 10 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Mohan Srinivasan

To

Office of Administrative Hearings
1711 New Hope Church Rd.
Raleigh, NC 27609.

And

Dana McGhee

The Agency's Rulemaking Coordinator

From:

Margaret Samuel

M5J 2N8

April 11, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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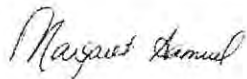
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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Margaret Samuel



Burgos, Alexander N

From: Kyla Ye <kylaye1570@gmail.com>
Sent: Sunday, April 10, 2022 11:20 PM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Kyla Ye,

Burgos, Alexander N

From: Adam Mills <adammills805@gmail.com>
Sent: Sunday, April 10, 2022 8:23 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries

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Adam Mills

4-10-22

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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Thank you for your consideration.

Adam Mills

Burgos, Alexander N

From: Bill Skinner <billskinner77@gmail.com>
Sent: Sunday, April 10, 2022 4:58 PM
To: rrc.comments
Subject: [External] Fwd: URGENT: BEAR SANCTUARIES

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Sent from my iPhone

Begin forwarded message:

From: Nita Hunt <nitah63@gmail.com>
Date: April 10, 2022 at 4:37:26 PM EDT
To: Bill Skinner <billskinner77@gmail.com>
Subject: URGENT: BEAR SANCTUARIES

William Skinner

4/10/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

William Skinner

Burgos, Alexander N

From: Nita Hunt <nitah63@gmail.com>
Sent: Sunday, April 10, 2022 4:32 PM
To: McGhee, Dana; Rules, Oah; rrc.comments
Subject: [External] URGENT: BEAR SANCTUARIES

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Juanita Hunt

4/10/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that

the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

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2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

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4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

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Thank you for your consideration.

Juanita Hunt

Burgos, Alexander N

From: Deborah Palmer <deborahjpalmer@hotmail.co.uk>
Sent: Sunday, April 10, 2022 2:17 PM
To: rrc.comments
Cc: Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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D Palmer

10 April 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Deborah Palmer

Burgos, Alexander N

From: Cheryl :-) <cvward01@aol.com>
Sent: Sunday, April 10, 2022 1:23 PM
To: rrc.comments; McGhee, Dana; Rules, Oah
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: RRC 4-10-2022 CVW.docx

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Cheryl V Ward

April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
rrc.comments@oah.nc.gov
dana.mcghee@oah.nc.gov
oah.rules@oah.nc.gov

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Dear Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

I am writing to you today to object to the recent decision by the NC Wildlife Resources Commission (NCWRC) to open bear hunting on three long-standing black bear sanctuaries (Pisgah Bear Sanctuary, Panthertown – Bonas Defeat Bear Sanctuary, and Standing Indian Bear Sanctuary). I am asking that you please rescind this decision based on the following reasons:

The proposed bear kill and decision is NOT clear and it is ambiguous: Aside from the Panthertown-Bonas Defeat Bear Sanctuary, the NCWRC has not even decided the number of bears they want to kill on the other two bear sanctuaries. They just say they want to have more bears killed. However, their bear population numbers do not justify additional bears being killed. Their reasoning is ambiguous and faulty. In their analysis, they have cited a research

study by Dr. Joe Clark, but even Dr. Clark does not understand how the NCWRC has come to its conclusion based on his study. In the research paper, Dr. Clark states, “Harvest rates approached or exceeded a theoretical maximum in some jurisdictions and population trend data indicated population declines in most jurisdictions in recent years. ...(T)his response to recently liberalized harvest regulations was not unexpected...” In addition, by the NCWRC’s own admission, they do not know nor have they taken into account the bear mortality numbers or rate from poaching, which can be significant. The reasoning behind the planned bear kill and the numbers justifying the opening of these nearly half a century old bear sanctuaries is not clear and is definitely ambiguous, at best.

The proposed bear kill and decision to suddenly open these decade old bear sanctuaries is not reasonable or necessary: In NCWRCs initial proposal found on page 13 of the *NCWRC Public Hearings 2022-2023 Inland Fishing, Hunting, Trapping and Gameland Regulations* booklet, it states: “Bear G13. Allow permit hunt opportunities on Panthertown-Bonas Defeat, Pisgah, and Standing Indian Bear Sanctuaries in the Mountain Bear Management Unit.” The booklet claims: “The U.S. Forest Service has requested that Panthertown-Bonas Defeat Bear Sanctuary be opened to permit bear hunting opportunities due to increased bear-human interactions occurring on both Forest Service property and adjoining private property.” In 2018, District Ranger Mike Wilkins of the Nanathala National Forest requested that the NCWRC kill bears in the Panthertown-Bonas Defeat Bear Sanctuary to resolve bear-human interactions. Ranger Wilkins claims he had received several complaints from dispersed campers about bears getting into their food and from a few local homeowners about bears raiding their garbage. Since that time the Forest Service installed a couple of food lockers at the dispersed campsites. When I spoke to the current District Ranger, Troy Waskey, on January 19th of this year, he said they did not have one bear complaint in 2021 and he doesn’t believe they had any bear complaints in 2020. Even if they were still having human-bear conflict issues, everybody knows that the indiscriminate killing of bears by hunting NEVER resolves the issue unless you kill enough bears to essentially eliminate the bear population. Research has well documented this fact. Addressing the problem (campers putting food in protective bear lockers) or handling household garbage responsibly is the only long-term method of resolving such human-bear conflict issues. Arbitrarily killing bears more than four years later and after the bear attractants have been removed is not only not necessary, it is totally ineffective and unreasonable in resolving the issue.

Should the decision be made to open these bear sanctuaries to bear hunting, especially on the Pisgah Bear Sanctuary and the Panthertown-Bonas Defeat Bear Sanctuary, it will certainly result in an economic impact to the local communities: As a former Assistant District Ranger on the Pisgah Ranger District where the Pisgah Bear Sanctuary is located, I can tell you for a fact the area receives more dispersed recreational use of just about any other area within the National Forests in NC system. This area of more than 60,000 acres is bounded by US Highway 276 on the west and the Blue Ridge Parkway runs through the northern portion of Sanctuary of this extremely popular destination of the Pisgah Ranger District. For decades, hikers, backpackers, and campers have come to this area to enjoy its natural beauty, knowing it as one of the few areas they can recreate on National Forest land during the peak fall color

season where they will be relatively safe from bear hunters and their free running dogs. These packs of dogs running wild in the woods pose a physical threat to outdoor recreationists as was well-documented when Dr. Kadie Anderson and her two dogs were attacked and nearly killed by bear-hunting dogs in the fall of 2014, when camping on the nearby Nantahala National Forest. Should the Pisgah Bear Sanctuary and the Panthertown – Bonas Defeat Bear Sanctuary area be suddenly opened to bear hunting during the fall color season, it will definitely affect tourism to the areas and thus, have an economic impact on the local economies.

I would like to conclude by saying I believe government rules and regulations should reflect the will of the people. The NCWRC said they received a total of 2,744 comments in response to their proposal to open these three bear sanctuaries to bear hunting. They also said more than 86% of those responses were against their proposed bear kill. These numbers do not even include the petition they received with more than 7500 signatures AGAINST the proposed kill in the bear sanctuaries. This proposed rule change by the NCWRC is not clear and it is ambiguous. It certainly isn't reasonable nor necessary and it will have an impact on several local economies. Finally, the proposal is contrary to the will of the people, including many bear hunters. In a meeting hosted by Representative Gillespie and Senator Corbin held in Clay County on April 6, 2022, in a showing of hands, both bear hunters and nonhunters alike voted UNAMIOUSLY *against* NCWRC's proposed bear hunt in the three bear sanctuaries. I ask that you please block this proposal and rule against it for all of the stated reasons and more outlined in this letter.

Thank you very much for your time in considering my thoughts.

Respectfully,

Cheryl V. Ward

Intuition is loving guidance

Cheryl Ward, AKA "Mamma Bear"

Burgos, Alexander N

From: Clare Curtis <clare.curtis36@gmail.com>
Sent: Sunday, April 10, 2022 12:14 PM
To: rrc.comments
Cc: McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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4/10/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons:**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative

Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
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4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Clarissa Cherry Curtis

Clarissa Cherry Curtis

Burgos, Alexander N

From: Jörg Gaiser <JoergGaiser@gmx.net>
Sent: Sunday, April 10, 2022 11:48 AM
To: Duke, Lawrence; rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries

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Dear Ladies and Gentlemen,

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Thank you for your consideration.

Sincerely,

Jörg Gaiser

Burgos, Alexander N

From: Jason Campbell <jwc1221@tds.net>
Sent: Sunday, April 10, 2022 9:36 AM
To: rrc.comments
Cc: McGhee, Dana; Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Subject: Re: [15A NCAC 10D .0106] Bear Sanctuaries

Jason Campbell

4/10/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Jason Campbell

Burgos, Alexander N

From: Carter,S <S.Carter@lse.ac.uk>
Sent: Sunday, April 10, 2022 8:50 AM
To: Rules, Oah; McGhee, Dana; rrc.comments
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries /
Attachments: Re - 15A NCAC 10D .0106 - Bear Sanctuaries.pdf

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Sandra Carter

April 10th, 2022

N.C. Rules Review
Commission

1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is **not clear and unambiguous for the following reasons:**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above):

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy i.e. a harmful economic impact:

1. My family and I love to visit North Carolina as tourists to experience exciting opportunities of seeing bears. This is the only reason we choose to come to visit North Carolina. If the North Carolina Wildlife Resources Commission does not reverse the newly adopted rule that opens up the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries (92,500 acres) to bear hunting, hunting with dogs and change the term "designated bear sanctuary" to "designated bear management area" my family and I will find another part of the world with bear sanctuaries where we will take our holidays and spend our money in future.
2. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears. My family and I have been among those tourists who regularly visit, especially to enjoy bear watching.
3. Tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
4. The bear hunting season is a popular time for tourism (leaf season).
5. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs. This has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping. I would never expose my family to any of these serious risks. There are many other places where we could visit where we wouldn't be threatened with these possibilities.
6. Apart from the risks of personal injury, the upsetting sounds and sights of bear hunting and guns being fired is something my family and I would find deeply distressing. The idea that we could be exposed to these harrowing spectacles and noises and is too off putting to contemplate our ever-visiting North Carolina again. I am sure that other tourists would agree with this. It would have a negative impact on residents as well. There are many other places to go where people are not exposed to these traumatic noises and sights.

7. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

8. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

9. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Many thanks for your consideration.

Sandra Carter

Sandra Carter



Please consider the environment before printing this e-mail.

Sandra Carter

April 10th, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons:**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor

of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above):

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

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2. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears. My family and I have been among those tourists who regularly visit, especially to enjoy bear watching.

3. Tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

4. The bear hunting season is a popular time for tourism (leaf season).

5. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs. This has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping. I would never expose my family to any of these serious risks. There are many other places where we could visit where we wouldn't be threatened with these possibilities.

6. Apart from the risks of personal injury, the upsetting sounds and sights of bear hunting and guns being fired is something my family and I would find deeply distressing. The idea that we could be exposed to these harrowing spectacles and noises and is too off putting to contemplate our ever-visiting North Carolina again. I am sure that other tourists would agree

with this. It would have a negative impact on residents as well. There are many other places to go where people are not exposed to these traumatic noises and sights.

7. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

8. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

9. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

I thank you for your consideration.

Sandra Carter

Sandra Carter




Please consider the environment before printing this document.

Burgos, Alexander N

From: Jeffrey J Zander <jzander@zanderins.com>
Sent: Saturday, April 9, 2022 7:43 PM
To: rrc.comments
Cc: Rules, Oah; McGhee, Dana
Subject: [External] RRC Review of NCWRC Bear Hunting Rules Change
Attachments: Jeffrey J Zander-Bear Hunting Rules change NCWRC- RRC Review.docx



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Please see attached letter outlining our disapproval of the changes proposed and recently approved by the NCWRC related to bear hunting in Western NC.



JEFFREY J. ZANDER
800-356-4282
6213 Charlotte Pike
Nashville, TN 37209

Nationally Endorsed by
DAVE RAMSEY

Share Your Concerns: [Contact Executive Team](#)

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Jeffrey J Zander



4/9/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl

Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Jeffrey J Zander

Burgos, Alexander N

From: Charesa Harper <charleighh78@yahoo.com>
Sent: Saturday, April 9, 2022 6:19 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] 15A NCAC 10D.0106

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April 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sincerely,

Charesa Harper

Burgos, Alexander N

From: cassia river <cassiarivera@yahoo.com>
Sent: Saturday, April 9, 2022 6:10 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuary Hunting Proposal

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Cassia Rivera
North Carolina Resident
4/9/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Further investigation into these "human bear conflicts" has shown no quantifiable data to back up these claims. Additionally, the perception of negative bear-human encounters has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
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4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is confusing instead of clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts but education is proven to stem perceived negative encounters.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season) and has the potential for tragic outcomes when out of town guests hike into hunting areas.
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas creating a negative economic impact to these areas.
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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your time and consideration,

Cassia Rivera
Wildlife Conservation Photographer and Bear Educator

Burgos, Alexander N

From: michelle-campbell@tds.net
Sent: Saturday, April 9, 2022 4:31 PM
To: rrc.comments
Cc: McGhee, Dana; Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Michelle Campbell

4/9/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

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I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the

rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Michelle Campbell

Burgos, Alexander N

From: Charles Reihl <charlesreihl@hotmail.com>
Sent: Saturday, April 9, 2022 3:35 PM
To: Rules, Oah; McGhee, Dana; rrc.comments
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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Charles Reihl

4/9/2022

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

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5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Charles Reihl

Sent from my iPhone

Burgos, Alexander N

From: Melissa Gylstrand <melissalehane@gmail.com>
Sent: Saturday, April 9, 2022 2:36 PM
To: rrc.comments
Cc: McGhee, Dana; Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Thank you,

Melissa Gylstrand-Smith

Burgos, Alexander N

From: dusty115@juno.com
Sent: Saturday, April 9, 2022 1:35 PM
To: rrc.comments
Cc: Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Quenna Moore

4/8/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Quenna Moore

Burgos, Alexander N

From: alassio91@aol.com
Sent: Saturday, April 9, 2022 12:23 PM
To: rrc.comments
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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NEW YORK, 4/9/22

MARINA TIEDEMANN

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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4. 4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sincerely,
Marina Tiedemann

~~Email: [redacted]@gmail.com~~

**"To my mind, the life of a lamb is no less precious than that of a human being...I hold that, the more helpless a creature, the more entitled it is to protection by man from the cruelty of man."
(Mahatma Ghandi)**

Burgos, Alexander N

From: Klari Lea <klarialker@dnet.net>
Sent: Saturday, April 9, 2022 12:16 PM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: Klari Lea Letter to RRC 4-9-2022.docx

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Klari Lea
[REDACTED]
[REDACTED]

April 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Dear Members of the Commission:

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Thank you for your consideration.

Respectfully,
Klari Lea

Klari Lea

April 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Dear Members of the Commission:

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3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above):

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact):

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
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4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Respectfully,
Klari Lea

Burgos, Alexander N

From: Bill Lea <bears@dnet.net>
Sent: Saturday, April 9, 2022 11:58 AM
To: Rules, Oah; rrc.comments
Cc: McGhee, Dana
Subject: [External] 15A NCAC 10D .0106 Bear Sanctuaries
Attachments: Ltr to RRC 4-9-2022 Bill Lea.docx

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Bill Lea

April 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
oah.rules@oah.nc.gov
rrc.comments@oah.nc.gov
dana.mcghee@oah.nc.gov

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Dear Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

I am writing to you today to object to the recent decision by the NC Wildlife Resources Commission (NCWRC) to open bear hunting on three long-standing black bear sanctuaries (Pisgah Bear Sanctuary, Panthertown – Bonas Defeat Bear Sanctuary, and Standing Indian Bear Sanctuary). I am asking that you please rescind this decision based on the following reasons:

The proposed bear kill and decision is NOT clear and it is ambiguous: Aside from the Panthertown-Bonas Defeat Bear Sanctuary, the NCWRC has not even decided the number of bears they want to kill on the other two bear sanctuaries. They just say they want to have more bears killed. However, their bear population numbers do not justify additional bears being killed. Their reasoning is ambiguous and faulty. In their analysis, they have cited a research study by Dr. Joe Clark, but even Dr. Clark does not understand how the NCWRC has come to its conclusion based on his study. In the research paper, Dr. Clark states, "Harvest rates approached or exceeded a theoretical maximum in some jurisdictions and population trend data indicated population declines in most jurisdictions in recent years. ... (T)his response to recently liberalized harvest regulations was not unexpected...." In addition, by the NCWRC's own admission, they do not know nor have they taken into account the bear mortality numbers or rate from poaching, which can be significant. The reasoning behind the planned bear kill and the numbers justifying the opening of these nearly half a century old bear sanctuaries is not clear and is definitely ambiguous, at best.

The proposed bear kill and decision to suddenly open these decade old bear sanctuaries is not reasonable or necessary: In NCWRC's initial proposal found on page 13 of the [*NCWRC Public Hearings 2022-2023 Inland Fishing, Hunting, Trapping and Gameland Regulations*](#) booklet, it states: "Bear G13. Allow permit hunt opportunities on Panthertown-Bonas Defeat, Pisgah, and Standing Indian Bear Sanctuaries in the Mountain Bear Management Unit." The booklet claims: "The U.S. Forest Service has requested that Panthertown-Bonas Defeat Bear Sanctuary be opened to permit bear hunting opportunities due to increased bear-human interactions occurring on both Forest Service property and adjoining private property." In 2018, District Ranger Mike Wilkins of the Nanathala National Forest requested that the NCWRC kill bears in the Panthertown-Bonas Defeat Bear Sanctuary to resolve bear-human interactions. Ranger Wilkins claims he had received several complaints from dispersed campers about bears getting into their food and from a few local homeowners about bears raiding their garbage. Since that time the Forest Service installed a couple of food lockers at the dispersed campsites. When I spoke to the current District Ranger, Troy Waskey, on January 19th of this year, he said

they did not have one bear complaint in 2021 and he doesn't believe they had any bear complaints in 2020. Even if they were still having human-bear conflict issues, everybody knows that the indiscriminate killing of bears by hunting NEVER resolves the issue unless you kill enough bears to essentially eliminate the bear population. Research has well documented this fact. Addressing the problem (campers putting food in protective bear lockers) or handling household garbage responsibly is the only long-term method of resolving such human-bear conflict issues. Arbitrarily killing bears more than four years later and after the bear attractants have been removed is not only not necessary, it is totally ineffective and unreasonable in resolving the issue.

Should the decision be made to open these bear sanctuaries to bear hunting, especially on the Pisgah Bear Sanctuary and the Panthertown-Bonas Defeat Bear Sanctuary, it will certainly result in an economic impact to the local communities: As a former Assistant District Ranger on the Pisgah Ranger District where the Pisgah Bear Sanctuary is located, I can tell you for a fact the area receives more dispersed recreational use of just about any other area within the National Forests in NC system. This area of more than 60,000 acres is bounded by US Highway 276 on the west and the Blue Ridge Parkway runs through the northern portion of Sanctuary of this extremely popular destination of the Pisgah Ranger District. For decades, hikers, backpackers, and campers have come to this area to enjoy its natural beauty, knowing it as one of the few areas they can recreate on National Forest land during the peak fall color season where they will be relatively safe from bear hunters and their free running dogs. These packs of dogs running wild in the woods pose a physical threat to outdoor recreationists as was well-documented when Dr. Kadie Anderson and her two dogs were attacked and nearly killed by bear-hunting dogs in the fall of 2014, when camping on the nearby Nantahala National Forest. Should the Pisgah Bear Sanctuary and the Panthertown – Bonas Defeat Bear Sanctuary area be suddenly opened to bear hunting during the fall color season, it will definitely affect tourism to the areas and thus, have an economic impact on the local economies.

I would like to conclude by saying I believe government rules and regulations should reflect the will of the people. The NCWRC said they received a total of 2,744 comments in response to their proposal to open these three bear sanctuaries to bear hunting. They also said more than 86% of those responses were against their proposed bear kill. These numbers do not even include the petition they received with more than 7500 signatures AGAINST the proposed kill in the bear sanctuaries. This proposed rule change by the NCWRC is not clear and it is ambiguous. It certainly isn't reasonable nor necessary and it will have an impact on several local economies. Finally, the proposal is contrary to the will of the people, including many bear hunters. In a meeting hosted by Representative Gillespie and Senator Corbin held in Clay County on April 6, 2022, in a showing of hands, both bear hunters and nonhunters alike voted UNANIMOUSLY *against* NCWRC's proposed bear hunt in the three bear sanctuaries. I ask that you please block this proposal and rule against it for all of the stated reasons and more outlined in this letter.

Thank you very much for your time in considering my thoughts.

Respectfully,

Bill Lea

BILL LEA
Retired U.S. Forest Service Assistant District Ranger
Pisgah National Forest & Nantahala National Forest

Burgos, Alexander N

From: LIN BOND <suetlingale@yahoo.co.uk>
Sent: Saturday, April 9, 2022 9:38 AM
To: Duke, Lawrence
Cc: McGhee, Dana; rrc.comments; Rules, Oah
Subject: [External] Save North Carolina Bears

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Dear Members of the Commission

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Yours faithfully

Lin Bond

Burgos, Alexander N

From: Larissa Sarycheva <larus.aug@yandex.ru>
Sent: Saturday, April 9, 2022 9:32 AM
To: rrc.comments; Rules, Oah
Subject: [External] objection

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Larissa Sarycheva

22-57 Marks Av., Obninsk, Kaluga Region, 249035 Russian Federation

Burgos, Alexander N

From: Valentina van Dijk <dakovkic@hotmail.com>
Sent: Saturday, April 9, 2022 9:06 AM
To: Duke, Lawrence; Rules, Oah; McGhee, Dana; rrc.comments
Subject: [External] URGENT REQUES!!
Importance: High

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3.

I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Thank you for your consideration.

Valentina van Dijk

Burgos, Alexander N

From: Conny <connydehn@gmx.de>
Sent: Saturday, April 9, 2022 8:50 AM
To: rrc.comments
Subject: [External] Sanctuaries are for PROTECTION !!!!
Importance: High

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09/04/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Bear Sanctuaries

Members of the Commission:

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Conny Dehn



Virenfrei. www.avast.com

Burgos, Alexander N

From: Onno van Horn <ovanhorn@gmail.com>
Sent: Saturday, April 9, 2022 7:35 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External]

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Onno van Horn

04-09-2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the

rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Onno van Horn

Burgos, Alexander N

From: angei angei <angelica87@hotmail.com>
Sent: Saturday, April 9, 2022 6:08 AM
To: rrc.comments
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries" to "designated bear management areas" is not clear and unambiguous for the following reasons;

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

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5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Angela

Burgos, Alexander N

From: Martin Middleton <mttmiddleton01@gmail.com>
Sent: Saturday, April 9, 2022 6:05 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

M T Middleton

Burgos, Alexander N

From: pomai stone <pomaistone@gmail.com>
Sent: Saturday, April 9, 2022 3:31 AM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision. I frequently travel to North Carolina, and I will not return until the rules are reversed

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration and for upholding your responsibility to steward life.

Johanna K Stone

--

na-u me ke aloha

na Johanna Kapōmaika'i Stone

::me he lau no ke Ko'olau ke aloha::

Burgos, Alexander N

From: teseo staffilani <tesilibeo@hotmail.it>
Sent: Saturday, April 9, 2022 3:25 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Tortoreto il 09/04/2022
Teseo Staffilani
Italia,

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
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3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-

hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Teseo Staffilani

Burgos, Alexander N

From: Liliana Berndsen <lilianaberndsen@yahoo.com>
Sent: Saturday, April 9, 2022 3:24 AM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] STOP KILLING BEARS IN NORTH CAROLINA

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration!

Sincerely,

Liliana Berndsen

Henderson, NV

Burgos, Alexander N

From: Paul Murphy <redcliffePaulMurphyredcliffe@hotmail.com>
Sent: Friday, April 8, 2022 10:51 PM
To: Rules, Oah; McGhee, Dana; rrc.comments
Subject: [External] N.C. Bears Living In Bear Sanctuaries.

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N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People

travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

The Murphy and Hume families.

Burgos, Alexander N

From: P M <lilacsnowleopard@gmail.com>
Sent: Friday, April 8, 2022 10:34 PM
To: rrc.comments; Rules, Oah; dana.mcghee@oah.nc
Subject: [External] URGENT: "Take Action Now To Save North Carolina Bears"

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

"It is time for the immediate reversal of the North Carolina Wildlife Resources Commission (NCWRC) newly adopted rule that opens up the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries (92,500 acres) to bear hunting, hunting with dogs and changes the term "designated bear sanctuary" to "designated bear management area.". "

URGENT: "Take Action Now To Save North Carolina Bears"
April 8, 2022

To the individuals below:

"Staff Attorney
Lawrence Duke, Commission Counsel.
lawrence.duke@oah.nc.gov
rrc.comments@oah.nc.gov.
oah.rules@oah.nc.gov
Dana McGhee, Publications Coordinator
dana.mcghee@oah.nc.gov"

Patricia Meuler

April 8, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: "[15A NCAC 10D .0106] Bear Sanctuaries"

"Members of the Commission":

"I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to

take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission."

Thank you for your consideration.

electronically signed
Patricia Meuler

Andrew
Somerdale, NJ

4/8/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

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3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Andrew

Burgos, Alexander N

From: Gayle Martin <martingayle@hotmail.com>
Sent: Friday, April 8, 2022 8:07 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] URGENT: Call To Action For North Carolina Bears

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dr Gayle Martin

04/08/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and

there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Dr Gayle Martin

Sent from my iPhone

Burgos, Alexander N

From: shelleymmc@aol.com
Sent: Friday, April 8, 2022 7:36 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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3-8-22

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

S McKee

Burgos, Alexander N

From: michaelwauschek <michaelwauschek@yahoo.com>
Sent: Friday, April 8, 2022 7:15 PM
To: rrc.comments
Subject: [External] FW: Protection of bears aka life

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Sent from my Metro By T-Mobile 4G LTE Android Device

----- Original message -----

From: michaelwauschek <michaelwauschek@yahoo.com>
Date: 4/8/22 4:13 PM (GMT-08:00)
To: dana.mcgee@oah.nc.gov
Subject: Protection of bears aka life

Hello my name is Michael Wauschek
4/8/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules

Sent from my Metro By T-Mobile 4G LTE Android Device

Burgos, Alexander N

From: Caroline Van Haeften <carolinevanhaefte@yahoo.ca>
Sent: Friday, April 8, 2022 6:32 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

North Carolina government officials are not backward people that live by old traditions, I would like to think that the 'Members of the Commission' are forward thinkers, the time has come to make decisions that protect nature & wildlife. Hunters are so emotional about killing, they want to continue the hunt at all costs.

Bear hunting in the three bear sanctuaries will deter people from visiting and, therefore, negatively impact your business. If you travel to North Carolina, state that you will not return until the rules are reversed. Bears manage their own populations, nature takes care of itself, in my opinion it is only when humans interfere that trouble occurs. Hunting does not reduce bear-human conflicts.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **OMG** bears should be allowed to roam free, not chased by humans & dogs, bears running away get shot in the back! What kind of human being has a passion to kill?

Being human means we are not robots, most humans have compassion & regard for wildlife. Cruel is cruel, callous is callous. I am not emotional when I say this, I say this as fact.

Thank you for the privilege of sending this email.

Sincerely,

Caroline Van Haefen

Burgos, Alexander N

From: Tom Antony <tomantony@yahoo.com>
Sent: Friday, April 8, 2022 6:30 PM
To: rrc.comments
Cc: McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Tom Antony

08-APR-2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration,

Tom Antony.

Burgos, Alexander N

From: Bennett Morgan <bennettscottmorgan@gmail.com>
Sent: Friday, April 8, 2022 6:19 PM
To: Duke, Lawrence; rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

[15A NCAC 10D .0106] Bear Sanctuaries

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed

implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Bennett Morgan
Lake Toxaway, North Carolina

Burgos, Alexander N

From: Denise Motta <denmot@cybercon.net>
Sent: Friday, April 8, 2022 6:12 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries [15A NCAC 10D .0106]

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To: Members of the Commission and Dana McGhee, Publications Coordinator

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

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3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Denise Motta, NSCA-CPT, E-RYT500
Yoga, Pilates & Fitness Instructor
denmot@cybercon.net

8038 Mackenzie Rd. St. Louis, MO 63123

Erika Gettig

April 8, 2022

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

As an annual summer visitor to Brevard, North Carolina, and specifically Pisgah National Forest, I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters,

the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
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3. The bear hunting season is a popular time for tourism (leaf season).
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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

A handwritten signature in black ink, consisting of a stylized 'E' followed by a checkmark-like flourish.

Erika Gettig

Burgos, Alexander N

From: gabrielanu@hotmail.com
Sent: Friday, April 8, 2022 5:39 PM
To: Rules, Oah; rrc.comments
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the

McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

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Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Anya Anosova

Burgos, Alexander N

From: Mary Shabbott <mshabbott@sbcglobal.net>
Sent: Friday, April 8, 2022 5:36 PM
To: rrc.comments
Subject: [External] Bear sanctuaries

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Mary Shabbott

04-08-2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

I have visited North Carolina many times. I will not be back to spend money unless these bears are protected in designated sanctuaries where NO hunting is allowed.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you,
Mary Shabbott

Burgos, Alexander N

From: Eli Celli <elicelli@att.net>
Sent: Friday, April 8, 2022 5:16 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] 15A NCAC 10D .0106 Bear Sanctuaries

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Eli Celli



April 8, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 15A NCAC 10D .0106 Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.
Eli Celli

Burgos, Alexander N

From: kim hart <kimahart@att.net>
Sent: Friday, April 8, 2022 5:12 PM
To: rrc.comments
Cc: Rules, Oah; McGhee, Dana
Subject: [External] 15A NCAC 10D .0106] Bear Sanctuaries

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April 8, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human

conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
 2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
 3. The bear hunting season is a popular time for tourism (leaf season).
 4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
 5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
 6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
 7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.
- Lastly, I find North Carolina to be a beautiful state to travel and spend my tourist dollars. However, I find North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management to be incomprehensible. Therefore, I could not, in good conscious, continue to spend my time or money within the state of North Carolina.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sincerely,
Kim Hart

Burgos, Alexander N

From: Christina DeRespiris <cderespiris@yahoo.com>
Sent: Friday, April 8, 2022 5:03 PM
To: rrc.comments; Rules, Oah
Cc: McGhee, Dana
Subject: [External] [15A NCAC 10D .0106] Bear Sanctuaries

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C. DeRespiris

April 8, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human

conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Christina DeRespiris
cderespiris@yahoo.com

Burgos, Alexander N

From: Brenda Hatch <brenda@hotelpatios.com>
Sent: Friday, April 8, 2022 4:59 PM
To: rrc.comments; Rules, Oah; McGhee, Dana
Subject: [External] 15A NCAC 10D .0106 Bear Sanctuaries

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From Brenda Hatch

1111 Highway 32 W, Suite 111, North Carolina, 27609

April 8th, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Brenda Hatch

Signed Brenda Hatch

Burgos, Alexander N

From: lrcain@juno.com
Sent: Wednesday, March 30, 2022 11:03 AM
To: rrc.comments
Cc: Ruhlman, Carrie A
Subject: [External] 15A NCAC 10B.0203-Deer (White-Tailed)

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Larry R. Cain

March 30, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 15A NCAC 10B.0203

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Respectfully,

Larry R. Cain

Burgos, Alexander N

From: Chris Cain <doskil@gmail.com>
Sent: Sunday, March 27, 2022 7:37 PM
To: rrc.comments
Cc: Ruhlman, Carrie A
Subject: [External] 15A NCAC 10B.0203-Deer (White-Tailed)

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Christopher R. Cain

March 27, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 15A NCAC 10B.0203

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Christopher R. Cain

Burgos, Alexander N

From: betty winholtz <winholtz@sbcglobal.net>
Sent: Saturday, April 9, 2022 1:17 AM
To: McGhee, Dana; Rules, Oah; rrc.comments
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Dear Commissioners:

I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons:

1. There is no scientific evidence to support claims that hunting reduces bear-human conflicts. The problem with bear-human conflicts has been resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. At the April 5, 2022 meeting, State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters.
4. The NCWRC has not clearly defined the details of the rule.

Sincerely,
Betty Winholtz

McGhee, Dana

From: Mary Shabbott <mshabbott@sbcglobal.net>
Sent: Friday, April 8, 2022 5:38 PM
To: Rules, Oah
Subject: [External] Bear Sanctuaries

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04-08-2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and

there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

I have visited North Carolina many times. I will not be back to spend money unless these bears are protected in designated sanctuaries where NO hunting is allowed.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you,
Mary Shabbott

McGhee, Dana

From: michaelwauschek <michaelwauschek@yahoo.com>
Sent: Friday, April 8, 2022 7:15 PM
To: Rules, Oah
Subject: [External] FW: Protection of bears aka life

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Sent from my Metro By T-Mobile 4G LTE Android Device

----- Original message -----

From: michaelwauschek <michaelwauschek@yahoo.com>
Date: 4/8/22 4:13 PM (GMT-08:00)
To: dana.mcghee@oah.nc.gov
Subject: Protection of bears aka life

Hello my name is Michael Wauschek
4/8/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention

that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules

Sent from my Metro By T-Mobile 4G LTE Android Device

McGhee, Dana

From: Raul Ratasepp <rx81@hotmail.com>
Sent: Saturday, April 9, 2022 6:18 AM
To: Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

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The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Raul

McGhee, Dana

From: Conny <connydehn@gmx.de>
Sent: Saturday, April 9, 2022 8:51 AM
To: Rules, Oah
Subject: [External] Sanctuaries are for PROTECTION !!!!

Importance: High

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From: Conny [mailto:connydehn@gmx.de]
Sent: Samstag, 9. April 2022 14:50
To: 'rrc.comments@oah.nc.gov'
Subject: Sanctuaries are for PROTECTION !!!!
Importance: High

09/04/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106]
Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Conny Dehn



Virenfrei. www.avast.com

McGhee, Dana

From: alassio91@aol.com
Sent: Saturday, April 9, 2022 12:24 PM
To: Rules, Oah
Subject: [External] Fwd: [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

From: alassio91@aol.com
To: rrc.comments@oah.nc.gov
Sent: 4/9/2022 12:22:34 PM Eastern Standard Time
Subject: Re: [15A NCAC 10D .0106] Bear Sanctuaries

NEW YORK, 4/9/22

MARINA TIEDEMANN

NY 11582

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

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4. 4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sincerely,
Marina Tiedemann

"To my mind, the life of a lamb is no less precious than that of a human being...I hold that, the more helpless a creature, the more entitled it is to protection by man from the cruelty of man." (Mahatma Ghandi)

McGhee, Dana

From: Bill Skinner <billskinner77@gmail.com>
Sent: Sunday, April 10, 2022 4:59 PM
To: Rules, Oah
Subject: [External] Fwd: URGENT: BEAR SANCTUARIES

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Sent from my iPhone

Begin forwarded message:

From: Nita Hunt <nitah63@gmail.com>
Date: April 10, 2022 at 4:37:26 PM EDT
To: Bill Skinner <billskinner77@gmail.com>
Subject: URGENT: BEAR SANCTUARIES

William Skinner

4/10/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

William Skinner

McGhee, Dana

From: mitzi frank <frankmitzi@gmail.com>
Sent: Friday, April 8, 2022 4:51 PM
To: Rules, Oah; McGhee, Dana
Subject: [External] Bear hunting

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Mitzi Frank

4/8/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Mitzi Frank

McGhee, Dana

From: Denise et Jacques <inkelstamour@videotron.ca>
Sent: Friday, April 8, 2022 5:10 PM
To: Rules, Oah
Cc: McGhee, Dana
Subject: [External] Bear killing

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term **"designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. **It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven.** The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, **the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020.** Over the past two years, the **U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts**, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. **Bears regulate their own populations through a process called delayed implantation.** This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. **He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.**
4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. **Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.**
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, **I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.**

Thank you for your consideration.

Denise Inkel
Montreal Canada

McGhee, Dana

From: Mary Shabbott <mshabbott@sbcglobal.net>
Sent: Friday, April 8, 2022 5:39 PM
To: McGhee, Dana
Subject: [External] Bear Sanctuaries

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04-08-2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and

there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
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6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

I have visited North Carolina many times. I will not be back to spend money unless these bears are protected in designated sanctuaries where NO hunting is allowed.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you,
Mary Shabbott

McGhee, Dana

From: michaelwauschek <michaelwauschek@yahoo.com>
Sent: Friday, April 8, 2022 7:14 PM
To: McGhee, Dana
Subject: [External] Protection of bears aka life

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Hello my name is Michael Wauschek
4/8/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the

rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy;

1. The Pisgah, Panthertown-Bonas Defeat and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules

Sent from my Metro By T-Mobile 4G LTE Android Device

McGhee, Dana

From: Claire Flewitt <claireflewitt@hotmail.com>
Sent: Friday, April 8, 2022 9:07 PM
To: Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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N.C. Rules Review Commission

1711 New Hope Church Rd.
Raleigh, NC 27609

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a

single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

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2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.

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4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.
Claire E. Flewitt

McGhee, Dana

From: Ji Montgomery <jiprk99@gmail.com>
Sent: Friday, April 8, 2022 10:51 PM
To: McGhee, Dana
Subject: [External] 15A NCAC 10D. 0106 Bear scandary

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Dear member of commission

I requested that the above rules be reviewed in upcoming legislative session as set out in N.C.G.S 150 B -21 .3 I further request that the rules be subject to a delayed effective date as set out in that some provision.

The North Carolina wildlife resources commission's recently adopted rule that allows bear hunting and hunting wild dogs in the pisgah, pantertown- Bonas defeated, and standing Indian bear scandary along with a change in term. " Designated bear management area" is not clear and unambiguous for the following reasons;

The NCWRC'S basis for the rule was that the US FOREST SERICE (USFS) requested that they open up the scandaries to hunting due to increased bear- human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear- human conflict. The opposite has been proven. The NCWRC also failed to mention in 2018, and the request was solely for panthertown. Additionally, the problem with bear human conflicts has been subsequently resolved by introducing bear- proof food lockers in 2020.

Over the past two years, the US, forest service(USFS) has not received any complaints regarding bear- human conflicts,and there are plans to install more food lockers as proactive measure in preventing future bear- human conflict.

For all the reason listed above, request that 15A NCAC 10D.0106
BEAR SCANDARIES NOT be approved by the rules review commission.

Ji Montgomery

April 8 2022

Thank you for your consideration
Ji Montgomery

McGhee, Dana

From: Reinhard.Doerrenbaecher@t-online.de
Sent: Saturday, April 9, 2022 3:12 AM
To: Rules, Oah; McGhee, Dana
Subject: [External] Trophy Hunting
Attachments: Trophy Hunting.pdf

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Dear Sirs and Madams

attached you will find my protest against trophy hunting on North Carolina bears.

Sincerely

Reinhard Dörrenbächer

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609
Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
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4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
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4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Reinhard Dörrenbächer

McGhee, Dana

From: ingris ingris <ingriste@hotmail.com>
Sent: Saturday, April 9, 2022 6:10 AM
To: McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Ingris.K

McGhee, Dana

From: Conny <connydehn@gmx.de>
Sent: Saturday, April 9, 2022 8:53 AM
To: McGhee, Dana
Subject: [External] Sanctuaries are for PROTECTION !!!!

Importance: High

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From: Conny [mailto:connydehn@gmx.de]
Sent: Samstag, 9. April 2022 14:50
To: 'rrc.comments@oah.nc.gov'
Subject: Sanctuaries are for PROTECTION !!!!
Importance: High

09/04/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-

human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106]
Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Conny Dehn



Virensfrei. www.avast.com

McGhee, Dana

From: Larissa Sarycheva <larus.aug@yandex.ru>
Sent: Saturday, April 9, 2022 9:40 AM
To: McGhee, Dana
Subject: [External] objection

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small

businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Larissa Sarycheva

McGhee, Dana

From: Tina Pattinson <tina.pattinson@yahoo.co.uk>
Sent: Saturday, April 9, 2022 10:06 AM
To: Rules, Oah; McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their

hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

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3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog

owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Kind Regards

Tina Pattinson

McGhee, Dana

From: alassio91@aol.com
Sent: Saturday, April 9, 2022 12:24 PM
To: McGhee, Dana
Subject: [External] Fwd: [15A NCAC 10D .0106] Bear Sanctuaries

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From: alassio91@aol.com
To: rrc.comments@oah.nc.gov
Sent: 4/9/2022 12:22:34 PM Eastern Standard Time
Subject: Re: [15A NCAC 10D .0106] Bear Sanctuaries

NEW YORK, 4/9/22

MARINA TIEDEMANN

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.

2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. 4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

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The rule will have a negative impact on the state's economy (economic impact);

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2.

2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.

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6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Sincerely,
Marina Tiedemann
Email: alassio91@aol.com

"To my mind, the life of a lamb is no less precious than that of a human being...I hold that, the more helpless a creature, the more entitled it is to protection by man from the cruelty of man." (Mahatma Ghandi)

McGhee, Dana

From: Christine Swoap <clswoap@gmail.com>
Sent: Sunday, April 10, 2022 9:12 AM
To: Rules, Oah; McGhee, Dana
Subject: [External] Maintain bear sanctuary

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Christine LaRocque Swoap

April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Thank you for your consideration.

Christine LaRocque Swoap

Christine LaRocque Swoap

McGhee, Dana

From: Ingo Regier <ingoregier@icloud.com>
Sent: Sunday, April 10, 2022 9:44 AM
To: Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries 15A NCAC 10D .0106
Attachments: Doc6.docx

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Ingo Regier

April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'I. Regier', with a stylized flourish at the end.

Ingo Regier

McGhee, Dana

From: Clare Curtis <clare.curtis36@gmail.com>
Sent: Sunday, April 10, 2022 12:15 PM
To: Rules, Oah
Cc: McGhee, Dana
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Clarissa Cherry Curtis

4/10/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons:**

1. The NCWRC's basis for the rule was that the U.S. Forest Service (USFS) requested that they open up the sanctuaries to hunting due to increased bear-human conflicts. It is important to note that there is no scientific evidence to support claims that hunting reduces bear-human conflicts. The opposite has been proven. The NCWRC also failed to mention that the USFS request was made in 2018, and the request was solely for Panthertown. Additionally, the problem with bear-human conflicts has since been subsequently resolved by introducing bear-proof food lockers in 2020. Over the past two years, the U.S. Forest Service (USFS) has not received any complaints regarding bear-human conflicts, and there are plans to install more food lockers as a proactive measure in preventing future bear-human conflicts.
2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.
3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative

Karl Gillepsie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.
2. Hunting does not reduce bear-human conflicts.
3. Bears manage their own populations through delayed implantation.
4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

1. The Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries are revered destinations for residents and tourists alike. People travel from all over the world to enjoy the serene, peaceful environment and the prospect of seeing bears.
2. The tourism and outdoor recreation industries are significant contributors to North Carolina's economy.
3. The bear hunting season is a popular time for tourism (leaf season).
4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.
5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.
6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.
7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Clarissa Cherry Curtis

Clarissa Cherry Curtis

McGhee, Dana

From: Brigitte Regier <brigitte-regier@icloud.com>
Sent: Sunday, April 10, 2022 9:21 PM
To: Rules, Oah; McGhee, Dana
Subject: [External] Bear Sanctuaries 15A NCAC 10D .0106
Attachments: NC Wildlife Commission-no bear hunting 04-10.docx

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Brigitte Regier

Brigitte Regier

April 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" **is not clear and unambiguous for the following reasons;**

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation. This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

4. The NCWRC has not clearly defined the details of the rule. There is no definitive answer to the number of permits to be issued to hunters, the cost of permits, or the number of bears allowed to be killed. They have adopted a rule that is not clearly defined.

The rule is not reasonably necessary because of the following (also see above);

1. Since the bear-proof food lockers were installed, there are no longer bear-human conflicts occurring. There have been no bear-human conflicts for the past two years, and more food lockers are being installed to prevent future conflicts.

2. Hunting does not reduce bear-human conflicts.

3. Bears manage their own populations through delayed implantation.

4. The majority of the NCWRC's stakeholders oppose opening the sanctuaries to hunting, including the hunters they claim have been pressuring them. During the NCWRC's public comment period, 86% of comments were opposed to the rule.

The rule will have a negative impact on the state's economy (economic impact);

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3. The bear hunting season is a popular time for tourism (leaf season).

4. Bear hunting, especially bear hunting with dogs, puts tourists and residents in danger of being accidentally shot or attacked by hunting dogs, which has previously happened in the state when a woman and her two dogs were viciously attacked by hunting dogs while camping.

5. Under North Carolina law, dogs "being used in a lawful hunt" are exempt from rules that otherwise require owners to take steps to prevent their animal from harming a person or another animal. This rule endangers the public, pets, and private property owners. Tourists and residents will think twice before bringing their families to a place where they can be potentially shot or attacked by hunting dogs. Learning that hunting dogs/dog owners are exempt from laws that protect people and their pets will only further deter people from visiting these areas.

6. This rule will negatively affect businesses located around the sanctuaries impacting the livelihood of local residents. The more than 45,000 small businesses across North Carolina heavily rely on tourism, everything from lodging and dining to transportation, recreation, and retail.

7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Brigitte Regier

McGhee, Dana

From: Bill Skinner <billskinner77@gmail.com>
Sent: Sunday, April 10, 2022 4:59 PM
To: McGhee, Dana
Subject: [External] Fwd: URGENT: BEAR SANCTUARIES

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Sent from my iPhone

Begin forwarded message:

From: Nita Hunt <nitah63@gmail.com>
Date: April 10, 2022 at 4:37:26 PM EDT
To: Bill Skinner <billskinner77@gmail.com>
Subject: URGENT: BEAR SANCTUARIES

William Skinner

4/10/22

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The North Carolina Wildlife Resources Commission's recently adopted rule that allows bear hunting and hunting with dogs in the Pisgah, Panthertown-Bonas Defeat, and Standing Indian Bear Sanctuaries along with a change in the term "designated bear sanctuaries to "designated bear management areas" is not clear and unambiguous for the following reasons;

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2. The NCWRC also claims that the bear population is growing and needs to be managed. Bears regulate their own populations through a process called delayed implantation.

This process prevents bears from populating beyond their environmental carrying capacity.

3. The NCWRC also stated that hunters pressured them to open up the sanctuaries for more hunting opportunities. However, the North Carolina Wildlife Resources Commission met with stakeholders on April 5, 2022, at the Tri-County Community College in the McSwain Building Lecture Hall to discuss the recently adopted rule. The entire room was full of hunters and non-hunters. State Representative Karl Gillespie was in attendance. He asked everyone in favor of the rule to raise their hands. Not a single person raised their hand, including the hunters that the NCWRC alleges have been pressuring them to open the three bear sanctuaries to hunting.

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7. According to the Department of Natural and Cultural Resources data, 22.8 million visitors entered the system's 41 parks, recreation areas, and natural areas in 2021. Pisgah receives 5.5 million annual visitors and Panthertown sees more than 35,000 visitors a year.

For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

William Skinner

McGhee, Dana

From: Deborah Palmer <deborahjpalmer@hotmail.co.uk>
Sent: Sunday, April 10, 2022 2:16 PM
To: McGhee, Dana
Cc: Rules, Oah
Subject: [External] Re: [15A NCAC 10D .0106] Bear Sanctuaries

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D Palmer

10 April 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

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Thank you for your consideration.

Deborah Palmer

McGhee, Dana

From: mandy mcavoy <mandymcavoy1@hotmail.co.uk>
Sent: Monday, April 11, 2022 5:26 AM
To: McGhee, Dana
Subject: [External] NC rules

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Mandy McAvoy

11th April 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

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For all of the reasons listed above, I request that [15A NCAC 10D .0106] Bear Sanctuaries not be approved by the Rules Review Commission.

Thank you for your consideration.

Mandy McAvoy

Sent from my iPhone

McGhee, Dana

From: Brigitte Regier <brigitte-regier@icloud.com>
Sent: Sunday, March 6, 2022 9:23 PM
To: Rules, Oah
Subject: [External] Asking for Legislative Review
Attachments: No Bear Hunting Legislative Review.docx

Brigitte Regier

March , 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Brigitte Regier

Lisa Wolford

March 5, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Lisa Wolford

With 86% of the public opinion against the bear hunt,
it seems disingenuous for you to insinuate that you were
Interested in how the local people feel about the bear hunt

McGhee, Dana

From: Lisa Welford <lisawelford251@gmail.com>
Sent: Saturday, March 5, 2022 2:25 PM
To: Rules, Oah
Subject: [External] Bear hunting in PANTHERTOWN and other locations

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

McGhee, Dana

From: rosemary livingood <livingoodinalaska@yahoo.com>
Sent: Wednesday, March 9, 2022 4:13 PM
To: Rules, Oah
Subject: [External] [Scan] RRC letter
Attachments: RRC letter.pdf

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[https://urldefense.com/v3/https://dl.tglapp.com/genius-scan_!!HYmSToo!IEu5IF2wrkviVzFTENcmtQg1cZFDCQicij8vfgY3R9nh-tZWSZiWOspMxjnksH4jN7M\\$](https://urldefense.com/v3/https://dl.tglapp.com/genius-scan_!!HYmSToo!IEu5IF2wrkviVzFTENcmtQg1cZFDCQicij8vfgY3R9nh-tZWSZiWOspMxjnksH4jN7M$)

Sent from my iPhone

March 09, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

I believe the NCWRC erred in its decision by not using the best available science and not listening to the overwhelming public objection to this ruling. Jacob Humm and Joseph Clark from University of Tennessee completed a spatially explicit capture-recapture study in the southern Appalachians to estimate the abundance and harvest rates of female black bears. Using their population estimate of 7318 bears for western NC and NCWRC's mortality (harvest and non-harvest) data for 2017 and 2018, 20.14% of bears in western NC were killed during those years. This number could be quite higher because illegally poached bears were greatly underestimated in the mortality data. Given the unknown poaching rate, the total mortality rate could be approaching the maximum sustainable mortality of 23%. Given that the NCWRC currently relies on population estimates back calculated from harvest data 3 years before the data is collected, the NCWRC would be unaware of a decline in the population for three years, so no ameliorating management practices would occur for that length of time. Because bears have such a low recruitment rate, errors in management can have severe, long-term effects on the population. Additionally, climate shift's effect on mast and berry production and the conversion of forested habitat into residential developments are putting more pressure on the bear population. The bear sanctuaries were designed to give mothers with cubs a safe place to be to ensure a viable population. Opening them up to bear hunting would negate the beneficial effects of having this buffer.

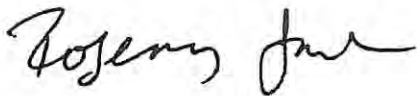
7620 people signed a petition asking for three bear sanctuaries to maintain their unhunted designation, and 86% of the 2744 people who commented directly to NCWRC were opposed to this ruling. The NCWRC keeps insisting that the bear population be limited to a social carrying capacity based on a public opinion survey taken 17 years ago. Obviously an updated survey needs to be taken. If the NCWRC comments are indicative

of the general public opinion toward bears, the NCWRC is obviously not basing their decision on current public opinion.

With neither science nor public opinion supporting their decision, NCWRC has unilaterally decided to change the status of the Bear Sanctuaries. I don't see any justification for their decision. Please review their ruling while keeping in mind that the most fundamental principle of wildlife management is the concept of wildlife as a public trust. Wildlife belongs to the public and is held in trust for the public by government.

I just moved from Haines, AK to the edge of Standing Indian Bear Sanctuary near Franklin, NC. I am a wildlife biologist who has worked on numerous grizzly bear studies including my MS thesis investigating system dynamics of Yellowstone's grizzly bears, their changing habitat, and management practices. If you have any questions or want to discuss this matter further, please contact me at livingoodinalaska@yahoo.com.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Rosemary Jackson". The signature is fluid and cursive, with the first name "Rosemary" written in a larger, more prominent script than the last name "Jackson".

Rosemary Jackson

McGhee, Dana

From: Nancy West <tomandnancywest@gmail.com>
Sent: Wednesday, March 9, 2022 3:51 PM
To: Rules, Oah
Subject: [External] Allowing Bear Hunting in Panthertown Rule change

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Anne West

 Raleigh, NC 27609

March 10, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sincerely,
Anne West

McGhee, Dana

From: smssl1t <smssl1t@gmail.com>
Sent: Friday, March 11, 2022 12:50 PM
To: Rules, Oah; Snyder, Ashley B
Subject: [External] Legislative review and delayed effective date: 15A NCAC 10D .0106
Attachments: Legislative review of Bear Hunting rule.docx

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Please find attached and below a letter requesting legislative review and a delayed effective date for rule 15A NCAC 10D .0106.

March 11, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kevin Matto



Kevin Matto

[REDACTED]
[REDACTED] 10100, NC 27617

March 11, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Kevin Matto

March 9, 2022

FILED

Office of Administrative Hearing
1711 New Hope Church Rd.
Raleigh, NC 27609

MAR 11 2022

OFFICE OF ADMIN HEARINGS

To Whom It Should Concern:

I am requesting a legislative review of Bear Hunting on all National Forests in North Carolina – ESPECIALLY bear SACTUARIES.

- 2,744 comments were sent in regarding this issue and 86% were against Bear Hunting. The Commissions are not listening to the majority of the people. We the people own this land.
- There has to be educating of the public as to how to store food properly when camping out, etc. (Bear Wise has done all the work and all this information is available)
- Bears will leave the area if there is not enough food supply and will reduce the number of offspring when this occurs. Therefore regulating themselves.
- Someone is going to get shot\killed having hikers walking around not knowing it is bear season. I pray it's no one in your family.

All dogs are supposed to be on a leash. Why are you making exceptions for hungry hunting dogs to roam freely to scare and attack people with leashed dogs

- These forest were labeled Bear Sanctuaries because Others (before the current Commissions) knew they needed a place to live where we chose to build our towns, roads, house's.

I don't understand hunters wanting to kill for a trophy. They don't even eat this meat. Bears are an icon for North Carolina; can we please stop killing the animals for sport.

Most Sincerely

A handwritten signature in black ink that reads "Diane Levine". The signature is written in a cursive, flowing style.

Diane Levine

diane.t.levine@gmail.com

McGhee, Dana

From: doug fink <doug.j.fink@gmail.com>
Sent: Thursday, March 10, 2022 10:59 AM
To: Rules, Oah
Cc: doug.j.fink@gmail.com
Subject: [External] Request for legislative review and delayed effective date of [15A NCAC 10D .0106] Safeguarding Panthertown-Bonas Defeat Bear Sanctuary

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Office of Administrative Hearings.

- >
- >
- > This is to request a delayed effective date and legislative review of the North Carolina Wildlife Resources Commission's rule change to allow bear hunting in Panthertown, Pisgah, and Standing Indian Bear Sanctuaries.
- >
- > There are several reasons, foremost that Panthertown and Pisgah attract thousands of families for hiking. Allowing packs of unleashed hunting dogs chasing bears and hunters discharging firearms in the same area as hikers poses a significant risk of accidental injury or death to children and adults. Hunting and hiking are incompatible activities.
- >
- > The NC Wildlife Resource Commission's proposed rule changes outline several objectives, including removing "problem bears," but hunts would not specifically target problem bears.
- >
- > Two more stated objectives are to reduce human-bear interactions and reverse human-conditioned behavior being observed in local bears. We do not understand how hunting in non-populated areas will reduce human-bear interactions. We would think it would be more likely to flush bears into non-hunting residential areas to escape the dogs.
- >
- > Finally, human-conditioned behavior should be the responsibility of humans and we would encourage NC Wildlife Resource Commission to continue to focus on human education and distribution of bear proof food and trash storage items.
- >
- > To summarize, we are strongly opposed to permitting bear hunting in Panthertown.
- >
- > Thank you for your consideration.
- >
- > Doug and Carol Fink
- >
- >
- > Doug.j.fink@gmail.com
- > Sent from my iPad

McGhee, Dana

From: Steve Jackson <svjackson@gmail.com>
Sent: Wednesday, March 9, 2022 2:53 PM
To: Rules, Oah
Subject: [External] Request for legislative review of 15A NCAC 10D .0106
Attachments: Request for Legislative Review.pdf

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Please find attached my request to review the subject regulations in the Panthertown-Bonas Defeat Bear Sanctuary

Thanks,
Steve Jackson

March 9, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

I have included my thoughts regarding this rule in the attached page.

Thank you for your consideration.

Steve Jackson

I am requesting a legislative review of the recent decision to allow bear hunting in the Panthertown-Bonas Defeat Bear Sanctuary.

My wife and I became full-time residents of Lake Toxaway over a year ago. We are daily users of the Panthertown section that borders our community's property and frequently venture deeper into the National Forest.

The N.C. Wildlife Resources Commission (NCWRC) solicited comments prior to making this decision. They report that 2,744 people sent comments to the NCWRC and 86% were opposed. National forests are owned collectively by the American people and the NCWRC voted unanimously in direct opposition to the input from the vast majority of respondents.

The NCWRC relied upon outdated data to suggest that there are an increasing number of human-bear interactions that justifies thinning the bear populations. Even if the data was current, the data did not indicate whether the encounter was positive or negative. My wife and I have had at least 15 encounters with bears in the last year – and we loved it. All encounters were from a distance and all we had to do was make a little noise and the bear ran off. I've talked to a dozen neighbors who, collectively, have had 100s of bear sightings without a single mishap. Only 1 of these alarmed the person. He was next to a construction dumpster where workers discarded their lunch containers, and the bear became used to a free meal. I believe that almost all the infrequent negative human-bear interaction is the fault of the human.

While I am pro-hunting, I think that hunting with dogs is inhumane for bears and dogs, it's unsporting and lacks fair chase and it disrupts bears and their population. I understand that hunting with dogs is a 'tradition' and part of some people's 'culture'. But we evolve as a species and some things that were once considered 'tradition' is now unacceptable (dog fights, cock fights, leg trap hunting, etc.).

Dogs do not know National Forest boundaries, private property boundaries or sex of the bear they chase. If dog hunting is allowed, we will have negative dog-human and dog-pet interactions in far greater numbers than we ever had with bear.

McGhee, Dana

From: Brock Kehoe <brockkehoe@gmail.com>
Sent: Tuesday, March 15, 2022 7:00 AM
To: Rules, Oah
Subject: [External] Request for Legislative Review
Attachments: Request for Legislative Review.pdf

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

(Signed Letter Attached)

Brock Kehoe



3/15/2022

N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609 Re: [15A NCAC 10D .0106]

Bear Sanctuaries Members of the Commission: I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Brock Kehoe

Brock Kehoe

3/15/2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Brock Kehoe

A handwritten signature in black ink, appearing to be 'B. Kehoe', written over a light gray rectangular background.

3/10/22

Dear Sir or Madam,

I would like a legislative review of [ISA NCAC 10.D.C
Bear Sanctuaries.

I am an avid hiker and volunteer in Panthertown Preserve and also hike in Pisgah. It is unfathomable to me that bear hunting can be permitted. The number of bears is not large and the number of human encounters are uncommon. Those rare encounters usually occur by individuals who leave food about or trash. Those individuals & campers need to be educated rather than disposing of a bear.

An true outdoor lover wants all animals and birds alive it is the hunters that demand their death. The vast majority of those who use the hiking areas are not hunters and the number of letters sent opposing hunting far exceed those wishing it.

My concern is the commissioner who voted to

allow this domination are either hunters
or have been lobbied to vote YEA rather
than NAY.

Please absolutely cancel the possibility
of hunting in these areas. Furthermore
is sending hungry dogs with radio collars
to tree a bear really hunting. This is
the lazy mans way and requires little or
no skill beyond that of training the dogs
and providing little food.

Please Please reconsider

Michael S Levine MD

Margaret and Robert Carton

Thursday, March 3, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

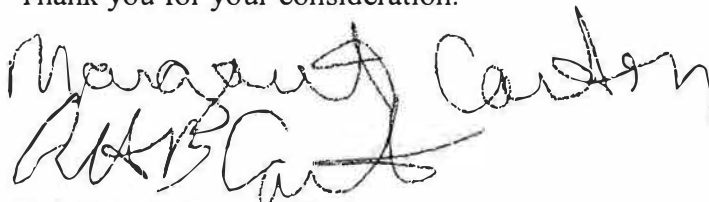
Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

We respectfully request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. The overwhelming response from the public was against bear hunting in Panthertown Valley and the other 2 areas identified in the rule and for the continuation of the Bear Sanctuaries in NC. While there was a problem a few years ago, Bear Wise Education and the installation of bear boxes has dramatically reduced the interaction between bears and people in Panthertown Valley.

We further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Handwritten signatures of Margaret and Robert Carton. The signature for Margaret is written in a cursive style, and the signature for Robert is also cursive and appears to be written over or next to Margaret's.

Robert and Margaret Carton

McGhee, Dana

From: Margaret Carton <margcarton@yahoo.com>
Sent: Tuesday, March 15, 2022 2:35 PM
To: Rules, Oah
Subject: [External] Panthertown Bonus Defeat Bear Sanctuary Ruling - Request for Legislative Review
Attachments: Ltr Requesting-Legislative-Review of Bear Sanctuary Decision 3.3.2022.docx

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

To Whom It May Concern:

Please except the attached letter as an official request for Legislative Review of the recent Bear Sanctuary ruling.

Margaret Carton

margcarton@yahoo.com

Bear Education and Resources Task Force (B.E.A.R.)
PO Box 1238
Highlands, NC 28741

March 14, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The vast majority (over 86%) of commenters on this subject were opposed to the proposal to open bear sanctuaries to hunting, comments that were largely ignored by the Commission. Also ignored was the fact that there were no reports of human-bear conflicts in Panthertown Valley in 2021. The Commission also appeared to ignore the fact that the Friends of Panthertown have instituted educational outreach efforts for people who recreate in the valley. In addition, the installation of two bear-proof storage lockers have proven extremely effective at reducing bear problems at campsites. Our organization recently provided \$3000 to fund the addition of three more lockers at campsites.

We feel that these efforts combined with the great reduction in human-bear conflicts in the valley negate the need to reduce the bear population by killing them. We also believe that bear hunting is a dangerous conflict in an area that sees thousands of people using the area for hiking, fishing, rock climbing, photography, camping, etc. on a year-round basis.

Therefore, we respectfully request the above rules be reviewed.

Thank you for your consideration.

Cynthia Strain, Chairwoman

McGhee, Dana

From: Helen Moore <hmpanther@me.com>
Sent: Thursday, March 17, 2022 8:02 AM
To: Rules, Oah
Subject: [External] Bear Task Force
Attachments: BEAR letter Requesting-Legislative-Review.docx

McGhee, Dana

From: Helen Moore <hmpanther@me.com>
Sent: Thursday, March 17, 2022 7:56 AM
To: Rules, Oah
Subject: [External] hmpanther@me.com

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Helen Moore

March 16th, 2022

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.Helen Moore

[Signature] Helen Moore

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Jennifer M Stanton

3/15/22

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: N.C. Wildlife Requested Change to 22 Bear Sanctuaries to Bear Management Areas
for the purpose of allowing hunting at first in three of them; Panthertown-Bonas
Defeat, Standing Indian and Pisgah.

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out
in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective
date as set out in that same provision.

This is a terrible idea that will further endanger summer camp children, hikers and nearby
residents. Evidence of the increasing volume of visitors in these areas, and of
emboldened and irresponsible gun owner incidents has been presented, and apparently
ignored. Hunters are a lot more dangerous than the bears. Tourism is the backbone of
the economy, bears sightings are a significant draw to visitors. Please don't do this to us.

Thank you for your consideration.

Jennifer M Stanton

A handwritten signature in black ink that reads "Jennifer M. Stanton". The signature is written in a cursive, flowing style. The first name "Jennifer" is written in a large, elegant script, followed by "M." and "Stanton". The signature is positioned below the typed name "Jennifer M Stanton".

Jennifer M Stanton

3/15/22

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: N.C. Wildlife Requested Change to 22 Bear Sanctuaries to Bear Management Areas
for the purpose of allowing hunting at first in three of them; Panthertown-Bonas
Defeat, Standing Indian and Pisgah.

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out
in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective
date as set out in that same provision.

This is a terrible idea that will further endanger summer camp children, hikers and nearby
residents. Evidence of the increasing volume of visitors in these areas, and of
emboldened and irresponsible gun owner incidents has been presented, and apparently
ignored. Hunters are a lot more dangerous than the bears. Tourism is the backbone of
the economy, bears sightings are a significant draw to visitors. Please don't do this to us.

Thank you for your consideration.

Jennifer M Stanton



McGhee, Dana

From: Margo Purdy <mpkvnc@gmail.com>
Sent: Wednesday, March 16, 2022 3:42 PM
To: Rules, Oah
Subject: [External] Bear Sanctuary issue [15A NCAC 10D .0106]

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N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The NCWRC makes a mockery of the public comment period with its refusal to change any portion of their proposal. The opposition is enormous. Anyone can see that one size does not fit all, and their plans for bear hunts in Panthertown Valley are particularly egregious given the relative small size of this hunting area and the broad recreational use it has beyond hunting (yes, other hunting is permitted there already, no need to add more).

Sincerely,

Wilbur D. Livingston, Jr, MD

March 13, 2022

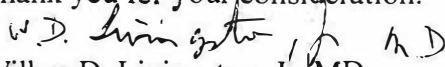
N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.


Wilbur D. Livingston, Jr, MD

Laura Livingston

March 13, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609


Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Laura G Livingston



Richard Weldon

March 15, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Weldon", with a stylized flourish at the end.

Richard Weldon

Jo Rizer

March 15, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: 15A NCAC 10D .0106 Bear Sanctuaries

As it relates to our property at Bear Lake Reserve, 139 Allspice Ct, Tuckasegee, NC. 28783

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

The rules were promulgated despite significant opposition from Bear Lake Reserve and other adjacent property owners, as well as Friends of Panthertown Valley. Additionally, the rules were promulgated based upon an outdated study/survey of the bear population in Panthertown, and without consideration of recent efforts to curb the population which have been successful.

Therefore, it seems appropriate that the commission delay the effective date in order to review these rules and the process that was used to pass those rules. Thank you for your consideration.


Jo Rizer

McGhee, Dana

From: William Barclift <will.barclift@icloud.com>
Sent: Sunday, March 20, 2022 10:59 AM
To: Rules, Oah
Subject: [External] Request Re: [15A NCAC 10D .0106] Bear Sanctuaries
Attachments: Request-for-Legislative-Review-Will-Barclift-20220320.pdf

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

March 20, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

My request is also attached as a signed pdf copy of my letter.

Thank you for your consideration.

Will Barclift

Will Barclift

March 20, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Will Barclift

A handwritten signature in black ink, appearing to read "Will Barclift", with a stylized flourish at the end.

McGhee, Dana

From: STEVE SILVERMAN <drstevensilverman@gmail.com>
Sent: Sunday, March 20, 2022 10:27 AM
To: Rules, Oah
Subject: [External]

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Dr. Steven Silverman



3/20/21

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Dr. Steven Silverman

Cashiers



Physical (adjoins Panthertown):

March 16, 2022

NC Rules Review Commission
1711 New Hope Church Road
Raleigh
NC 27609

Re: 15A NCAC 10D .0106 Bear Sanctuaries

To the Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in NC G.S. 150B-21.3.

I further request that the rule be subject to a delayed effective date as set out in that same provision.

Thank you for listening and your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "Carol A. Wilson", with a long horizontal line extending to the right.

Carol A. Wilson

McGhee, Dana

From: H. A. Moore <hamoore1126@gmail.com>
Sent: Wednesday, March 23, 2022 3:08 PM
To: Rules, Oah
Subject: [External] Legislative review
Attachments: PXL_20220323_190549201.jpg

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

H. A.

H. A. Moore, III

March 23, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

H. A. Moore, III

A handwritten signature in dark ink, appearing to read "H. A. Moore, III", with a long horizontal flourish extending to the right.

David H. Cofrin



March 18, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

David H. Cofrin

A handwritten signature in black ink that reads "David H. Cofrin". The signature is written in a cursive, flowing style.

Bill and Lindsey Barclift

Tuesday, March 22, 2022

NC Rules Review Commission
1711 New Hope Church Road
Raleigh, NC 27609

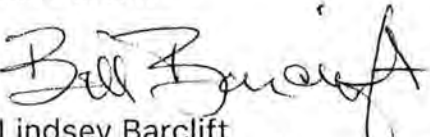
Re: {15A NCAC 10D .0106} Bear Sanctuaries

Members of the Commission:

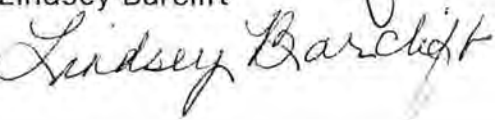
I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration,

Bill Barclift



Lindsey Barclift



McGhee, Dana

From: Sherri Ozcomert <sherozcomert@bellsouth.net>
Sent: Wednesday, April 6, 2022 4:15 PM
To: Rules, Oah
Subject: [External] Bear Sanctuaries

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Sherri Ozcomert

April 6, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: **"Rule # 15A NCAC 10D.0106 Bear Sanctuaries"**

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Sherri Ozcomert

Sherri Ozcomert

Mobile: 770-265-7175

Do unto those downstream as you would have those upstream do unto you. -Wendell Berry, farmer and author (b. 5 Aug 1934)

Sent from my iPad

[Name] *DEBBIE BRYSON*
[Address]

[Date]

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name] *DEBBIE BRYSON*

[Signature] *Debbie Bryson*

[Name] Julie Yao

[Address] [REDACTED]
[REDACTED]

[Date] March 18, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name] Julie Yao

[Signature] Julie Yao

[Name] WILLIAM WEIR
[Address] 1

[Date]

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name] WILLIAM WEIR

[Signature] William Weir

[Name]

RICH KELLY

[Address]

[Date]

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

[Name]

RICH KELLY

[Signature]

Rich Kelly

Bear Education and Resources Task Force (B.E.A.R.)

March 14, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

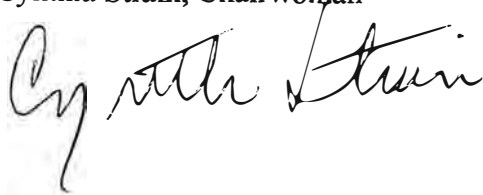
Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Cynthia Strain, Chairwoman



B.E.A.R. Task Force
Bear Education and Resources
A 501(c)3 Task Force of MountainTrue

Cynthia Strain Chair


wncbear@gmail.com

Beth and Steve Preston

April 4, 2022

N.C. Rules Review Commission
1711 New Hope Church Rd.
Raleigh, NC 27609

Re: [15A NCAC 10D .0106] Bear Sanctuaries

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Elizabeth (Beth Preston)

A handwritten signature in black ink, appearing to read "Elizabeth S. Preston", written in a cursive style.

1 15A NCAC 10A .1601 is amended with changes as published in 36:11 NCR 901-903 as follows:

2
3 **15A NCAC 10A .1601 LICENSE FEES.**

4 (a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-
5 270.1B(e).

6 (b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as
7 set forth in G.S. 113-270.1C:

- 8 (1) Resident Annual Combination Hunting and Inland Fishing License - \$35.00.
- 9 (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$11.00.
- 10 (3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$11.00.

11 (c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

- 12 (1) Annual Sportsman License - \$53.00.
- 13 (2) Infant Lifetime Sportsman License - \$212.00.
- 14 (3) Youth Lifetime Sportsman License - \$371.00.
- 15 (4) Adult Resident Lifetime Sportsman License - \$530.00.
- 16 (5) Nonresident Lifetime Sportsman License - \$1,272.00.
- 17 ~~(6) Resident Age 50-69 Lifetime Sportsman License - \$265.00.~~
- 18 (6) ~~(7)~~ Age 70 Resident Lifetime Sportsman License - \$16.00.
- 19 (7) ~~(8)~~ Resident Disabled Veteran Lifetime Sportsman License - \$106.00.
- 20 (8) ~~(9)~~ Resident Totally Disabled Lifetime Sportsman License - \$106.00.

21 (d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

- 22 (1) Resident State Hunting License - \$25.00.
- 23 (2) Lifetime Resident Comprehensive Hunting License - \$265.00.
- 24 (3) Controlled Hunting Preserve Hunting License - \$22.00.
- 25 (4) Resident Annual Comprehensive Hunting License - \$39.00.
- 26 (5) Nonresident State Hunting Licenses:
 - 27 (A) Season License - \$100.00.
 - 28 (B) Ten-Day License - \$80.00.
- 29 (6) Falconry Hunting License - \$25.00.

30 (e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-
31 270.3:

- 32 (1) Resident Big Game Hunting License - \$14.00.
- 33 (2) Nonresident Bear Hunting License - \$239.00.
- 34 (3) Bear Management Stamp - \$11.00.
- 35 (4) Nonresident Big Game Hunting License:
 - 36 (A) Season License - \$100.00.
 - 37 (B) Ten-Day License - \$80.00.

- (5) Bonus Antlerless Deer License - \$11.00.
- (6) Game Land License - \$16.00.
- (7) Falconry License - \$11.00.
- (8) Migratory Waterfowl Hunting License - \$14.00.
- (9) Resident American Alligator License - \$250.00.
- (10) Nonresident American Alligator License - \$500.00.
- (11) Resident Elk License - \$500.00.
- (12) Nonresident Elk License - \$1,000.00.
- (f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S. 113-270.4:
- (1) Resident Hunting and Fishing Guide License - \$16.00.
- (2) Nonresident Hunting and Fishing Guide License - \$159.00.
- (g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:
- (1) Resident State Trapping License - \$32.00.
- (2) Resident Lifetime Trapping License - \$300.00.
- (3) Nonresident State Trapping License - \$133.00.
- (h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the Commission, as set forth in G.S. 113-271:
- (1) Resident State Inland Fishing License - \$25.00.
- (2) Lifetime Resident Comprehensive Inland Fishing License - \$265.00.
- (3) Nonresident State Inland Fishing License - \$45.00.
- (4) Short-Term Inland Fishing License:
- (A) Resident 10-day Inland Fishing License - \$9.00.
- (B) Nonresident 10-day Inland Fishing License - \$23.00.
- (5) Age 70 Resident Lifetime Inland Fishing License - \$16.00.
- (6) Resident Disabled Veteran Lifetime Inland Fishing License - \$11.00.
- (7) Resident Totally Disabled Lifetime Inland Fishing License - \$11.00.
- (8) Special Landholder and Guest Fishing License - \$106.00.
- (9) Mountain Heritage Trout Waters 3-Day Fishing License - \$8.00.
- (i) The following shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:
- (1) Resident Special Device License - \$80.00.
- (2) Nonresident Special Device License - \$530.00.
- (j) The non-refundable fees fee for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be \$10.00.
- (k) The following non-refundable fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:
- (1) Captivity License for Holding - \$50.00.

- 1 (2) Captivity License for Rehabilitation - \$10.00.
- 2 (l) The following non-refundable fees shall apply to dealer licenses issued by the Commission as set forth in G.S.
- 3 113-273:
- 4 (1) Resident Fur-dealer License - \$64.00.
- 5 (2) Nonresident Fur-dealer License - \$318.00.
- 6 (3) Fur-dealer Station License - \$128.00.
- 7 (4) Controlled Hunting Preserve Operator License - \$100.00.
- 8 (5) Controlled Hunting Preserve Rabbit Operator License - \$25.00.
- 9 ~~(5)(6)~~ Game Bird Propagation License - \$10.00.
- 10 ~~(6)(7)~~ Furbearer Propagation License - \$27.00.
- 11 ~~(7)(8)~~ Taxidermy License - \$50.00.
- 12 ~~(8)(9)~~ Taxidermy Cervid Certification - \$5.00.
- 13 ~~(9)(10)~~ Wildlife Control Agent License - \$50.00.
- 14 (11) Wildlife Control Technician Certification-\$25.00
- 15 ~~(10)(11)~~ (12) Alligator Control Agent Certification - \$25.00.
- 16 (m) The following non-refundable fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:
- 17 (1) Possession Permit - \$10.00.
- 18 (2) Exportation or Importation Permit - \$10.00.
- 19 (3) Trophy Wildlife Sale Permit - \$10.00.
- 20 (4) Endangered Species Permit - \$10.00.
- 21 (5) Field Trial Permit - \$10.00.
- 22 (n) Unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:
- 23 (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - \$69.00.
- 24 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - \$41.00.
- 25 (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
- 26 (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$292.00.
- 27 (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$477.00.
- 28 (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 29 \$716.00.
- 30 (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 31 \$1,643.00.
- 32 ~~(E)~~ [Resident Age 50-69 Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 33 \$358.00.]
- 34 (E) ~~(F)~~ Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 35 \$32.00.
- 36 (F) ~~(G)~~ Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing
- 37 License - \$117.00.

(G) ~~(H)~~ Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$117.00.

(4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$477.00.

(o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in G.S. 113-174.2:

(1) Annual Resident Coastal Recreational Fishing License - \$16.00.

(2) Annual Nonresident Coastal Recreational Fishing License - \$32.00.

(3) Ten-Day Resident Coastal Recreational Fishing License - \$6.00.

(4) Ten-Day Nonresident Coastal Recreational Fishing License - \$11.00.

(5) Infant Lifetime Coastal Recreational Fishing License - \$106.00.

(6) Youth Lifetime Coastal Recreational Fishing License - \$159.00.

(7) Resident Adult Lifetime Coastal Recreational Fishing License - \$265.00.

(8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$530.00.

(9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$16.00.

(10) Resident Disabled Veteran Coastal Recreational Fishing License - \$11.00.

(11) Resident Totally Disabled Coastal Recreational Fishing License - \$11.00.

*History Note: Authority G.S. 113-270.1B(e);
Temporary Adoption Eff. January 1, 2020;
Eff. July 1, 2020.
Amended Eff. May 1, 2022.*

1 15A NCAC 10B .0101 is readopted with changes as published in 36:11 NCR 903 as follows:

2
3 **15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS, ~~ANIMALS AND BIRDS~~ BIRDS, AND**
4 **NATIVE REPTILES AND AMPHIBIANS**

5 (a) Before any live wild ~~bird~~, ~~bird or wild animal~~ animal, or any native reptile or ~~[amphibian]~~ amphibian is imported
6 into North Carolina for any purpose, a permit shall be obtained from the Executive Director of the North Carolina
7 Wildlife Resources Commission authorizing the importation, using application forms provided by the Commission.

8 ~~(b) Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a~~
9 ~~herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years and has been managed~~
10 ~~using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC~~
11 ~~10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have~~
12 ~~CWD monitoring requirements that are at least as stringent as those described in this Rule, 15A NCAC 10H .0301~~
13 ~~and 15A NCAC 10H .0302. The originating individual U.S. or Mexican state's or territory's, Canadian province's or~~
14 ~~other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and~~
15 ~~Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North~~
16 ~~Carolina. There shall be no importation from individual U.S. or Mexican states or territories, Canadian provinces or~~
17 ~~other countries in which CWD has been detected, either in a wild herd or a captive herd.~~

18 ~~(c) Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife Resources~~
19 ~~Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.~~

20 ~~(d)~~ (b) Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under
21 the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source birds
22 are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards within 30
23 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for inspection by
24 authorized Commission personnel upon request.

25
26 *History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;*

27 *Eff. February 1, 1976;*

28 *Temporary Amendment Eff. October 8, 2002; May 17, 2002;*

29 *Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.*

30 *Readopted Eff. August 1, 2022.*
31
32

1 15A NCAC 10B .0105 is readopted as published in 36:11 NCR 903-904 as follows:

2
3 **15A NCAC 10B .0105 MIGRATORY GAME BIRDS**

4 (a) Cooperative State Rules:

- 5 (1) ~~The taking of sea ducks (scoter, eider and old squaw) during any federally announced season for~~
6 ~~only these species shall be limited to the~~ The waters of the Atlantic Ocean, and to those coastal
7 waters south of US 64 that are separated by a distance of at least 800 yards of open water from any
8 shore, island or marsh. Marsh are designated as a special hunting area for the taking of sea ducks
9 (scoter, eider, and long-tailed [duck]) [duck]. [as referenced by the Federal frameworks calling for
10 state rules designating these special areas.]
- 11 (2) Tundra swans may be taken during the open season by permit only subject to annual limitations
12 imposed by the U.S. Fish and Wildlife Service. Based upon the annual limitations imposed by the
13 U.S. Fish and Wildlife Service, the Wildlife Resources Commission shall issue nontransferable
14 swan permits to applicants who will be selected at random by computer. Only one swan ~~may~~ shall
15 be taken under each permit which shall be cancelled at the time of the kill by cutting out the month
16 and day of the kill. Accompanying the permit is a tag which must be affixed to the swan at the time
17 and place of the kill. The tag must be affixed in accordance with instructions provided with the
18 permit. In addition, a preaddressed post-paid card is supplied to each permittee on which to report
19 the number of days hunted and the details of the kill if made. ~~It is unlawful to hunt~~ Hunting swans
20 without having the permit and the tag in possession or to possess a swan without the cancelled permit
21 in possession and the tag affixed in accordance with instructions provided with the permit to the
22 ~~swan. swan is prohibited. It is unlawful to possess~~ Possessing a swan permit or tag while hunting
23 that was assigned to another person or to alter the permit or tag in any way other than cutting out
24 the proper month and day of ~~kill. kill is prohibited.~~

25 (b) Notwithstanding the provisions of G.S. 113-291.1(a) and (b), the following restrictions apply to the taking of
26 migratory game birds:

- 27 (1) No migratory game bird may be taken:
- 28 (A) With a rifle;
- 29 (B) With a shotgun of any description capable of holding more than three shells, unless it is
30 plugged with a one-piece filler, incapable of removal without disassembling the gun, ~~so as~~
31 to limit its total capacity to not more than three shells.
- 32 ~~(2) No migratory game bird may be taken:~~
- 33 ~~(A)~~ (C) From or by the use of a sinkbox or any other type of low floating device affording the
34 hunter a means of concealment beneath the surface of the water;
- 35 ~~(B)~~ (D) With the aid of bait, or on, over, or within 300 yards of any place where any grain, salt or
36 other feed is exposed so as to constitute an attraction to migratory game birds or has been
37 so exposed during any of the 10 consecutive days preceding the taking, except that this

Part shall not apply to standing crops, flooded croplands, grain crops shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;

~~(C)~~ (E) With the aid of live decoys, or on, over or within 300 yards of any place where tame or captive migratory game birds are present, unless such birds are and have been for a period of 10 consecutive days prior to such taking confined within an enclosure which eliminates the audibility of their calls and totally conceals them from the sight of wild migratory game birds.

~~(3)~~(2) Crippled waterfowl may be taken from a motorboat under power in those areas described, delineated, and designated as special sea duck hunting areas in Subparagraph (a)(1) of this Rule.

(4) ~~Waterfowl hunting and harassment and other unauthorized activities is prohibited on posted waterfowl management areas established by the Wildlife Resources Commission for Canada Geese and ducks restoration. Information on impoundments can be found at newwildlife.org.~~

~~(5)~~ (3) In that area of Roanoke Sound adjacent to and immediately Northeast of Roanoke Island as marked by buoys designating the waterfowl rest area, it is unlawful to harass or take any waterfowl.

~~(6)~~ (4) The area east of US 17 is designated as ~~[a] the an experimental~~ September teal season ~~zone. zone as referenced by the Federal frameworks calling for state rules designating experimental areas. [these zones.]~~

(c) ~~Reporting Requirements:~~ For tundra swan and Canada goose seasons where a permit is required to hunt by Memorandum of Agreement with the U.S. Fish & Wildlife Service, hunter questionnaires shall be completed online at www.ncwildlife.org, or on the Commission-supplied, supplied on preaddressed, postage-paid ~~cards cards~~. Questionnaires shall be completed by or returned to the Commission and postmarked no later than April 1 following the end of the applicable season. Failure to return the questionnaire and animal parts, if required, by this date shall make the individual ineligible to receive a permit for the following applicable season. In lieu of returning a hard copy, individuals may fill out a questionnaire on line through the Wildlife Commission web site at newwildlife.org when this option is available by April 1 following the end of the applicable season.

(d) Failure to return the questionnaire and any required animal parts, by this date shall make the individual ineligible to receive a permit as referenced in Paragraph (c) for the following applicable season.

History Note: Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2; 50 C.F.R. 20.21; 50 C.F.R. 20.105; Eff. February 1, 1976; Amended Eff. July 1, 1995; April 1, 1992; February 1, 1990; September 1, 1989; Temporary Amendment Eff. September 10, 1998; Amended Eff. August 1, 2015; May 1, 2007; June 1, 2005; May 1, 2004; July 1, 2000; Readopted Eff. August 1, 2022.

1 15A NCAC 10B .0111 is readopted as a repeal as published in 36:11 NCR 904 as follows:

2
3 **15A NCAC 10B .0111 RESTRICTIONS ON RACCOON AND OPOSSUM HUNTING**

4
5 *History Note: Authority G.S. 113-134; 113-291.1;*

6 *Eff. February 1, 1976;*

7 *Amended Eff. August 1, 1981; August 1, 1979; August 1, 1978; August 1, 1977.*

8 *Repealed Eff. August 1, 2022.*

1 15A NCAC 10B .0119 is readopted with changes as published in 36:11 NCR 905-906 as follows:

2
3 **15A NCAC 10B .0119 WILDLIFE COLLECTORS**

4 ~~(a) Collection Licenses. The Executive Director may license qualified individuals to take or collect any species of~~
5 ~~wildlife resources except that endangered, threatened, and special concern species may not be taken or collected except~~
6 ~~under a special permit issued by the Executive Director for research purposes, unless there is an open season for the~~
7 ~~species. If an open season exists for the species, then the appropriate hunting, fishing, or trapping license serves as the~~
8 ~~authorization for take. This Rule shall not prohibit an individual from killing an endangered, threatened, or special~~
9 ~~concern species in defense of his own life or the lives of others without a permit. Individuals who annually collect~~
10 ~~fewer than five reptiles or fewer than 25 amphibians that are not on the endangered, threatened, or special concern~~
11 ~~lists shall be exempted from this license requirement, except snapping turtles (*Chelydra serpentina*) less than 11 inches~~
12 ~~(curved carapace length) shall not be collected at all. The license shall be issued upon payment of a fee in accordance~~
13 ~~with G.S. 113-272.4, except that licenses shall be issued to representatives of educational or scientific institutions or~~
14 ~~of governmental agencies without charge. The license shall be used in lieu of any other hunting or trapping license~~
15 ~~required by law and shall authorize possession and transportation of the wildlife incidental to the authorized taking,~~
16 ~~except that it shall not authorize the taking, possession, or transportation of any species of wildlife in violation of the~~
17 ~~Endangered Species Act, the Migratory Bird Treaty Act, The Bald and Golden Eagle Protection Act or any other~~
18 ~~federal act to prohibit or restrict the possession and transportation of wildlife resources.~~

19 ~~(b) Limits on collection. Individuals shall collect no more than 10 turtles from the family Chelydridae (snapping~~
20 ~~turtles) per day and no more than 100 per calendar and these turtles shall have a curved carapace length greater than~~
21 ~~11 inches. Individuals shall collect no more than 10 turtles from the family Kinosternidae (mud and musk turtles) per~~
22 ~~day and no more than 100 per calendar year.~~

23 ~~(c) Qualifications of Licensees. In addition to representatives of educational and scientific institutions and~~
24 ~~governmental agencies, the collection license may be issued to any individual for any purpose when it is not deemed~~
25 ~~inimical to the efficient conservation of the species to be collected or to some other wildlife species that may be~~
26 ~~dependent thereon.~~

27 ~~(d) Methods of Taking. The manner of taking wildlife resources under a collection license may be specified by the~~
28 ~~Executive Director pursuant to G.S. 113-272.4(d) and need not be restricted to the usual methods of hunting or~~
29 ~~trapping.~~

30 ~~(e) Term of License. The Executive Director may, pursuant to G.S. 113-272.4(e), impose time limits and other~~
31 ~~restrictions on the duration of any collection license, but unless so restricted the license shall be valid from January 1~~
32 ~~through December 31 of the applicable year.~~

33 ~~(f) Report of Collecting Activity. Each individual licensed under this Rule shall submit a report to the Wildlife~~
34 ~~Resources Commission within 15 days following the date of expiration of the license. The report shall show the~~
35 ~~numbers of each species taken under the license and the use or disposition thereof. The Executive Director may require~~
36 ~~additional information for statistical purposes such as the dates and places of the taking and the sex, size, weight,~~
37 ~~condition, and approximate age of each specimen taken.~~

~~(g) Other Requirements and Restrictions. The Executive Director may, pursuant to G.S. 113-272.4(d), impose such other requirements and restrictions on persons licensed under this Rule as he may deem to be necessary to the efficient administration of the wildlife conservation statutes and rules.~~

(a) Wildlife Collection Licenses may be issued to qualified individuals [as defined in G.S. 113-130] to take any species of wildlife resources for the following purposes:

- (1) scientific collection;
- (2) educational collection; or
- (3) snapping turtle collection.

(b) The following definitions shall apply to this Rule:

- (1) "Scientific Collection" shall mean collection for the purpose of conducting scientific research or survey.
- (2) "Educational Collection" means collection for the purpose of providing instruction, training, or information to the public.
- (3) "Snapping Turtle Collection" means collection of snapping turtles from the family *Chelydridae* for sale pursuant to 15A NCAC 10H .1301.
- (4) "Personal Use" means collection and holding, using as bait, or personal consumption of reptiles or amphibians.

(c) The Commission shall consider the following qualifications when issuing a license:

- (1) prior research or educational experience in the same or similar field;
- (2) work with or for an educational institution;
- (3) type of study requested of license (permanent or catch and release);
- (4) current state and quantity of species requested;
- (5) collection methodology proposed; and
- (6) disposition of collection.

(d) Individuals collecting and holding reptiles or amphibians for personal use shall not be required to obtain a Wildlife Collection License so long as the following conditions are met:

- (1) no more than 4 individuals of native reptile species or 24 individuals of any combination of amphibian species [per physical address] per person; [except for snapping turtles listed in Paragraph (i);]
- (2) collected reptiles and amphibians shall not be bought or sold; and
- (3) no endangered, threatened, or special concern species shall be collected and retained.

(e) Endangered, threatened, and special concern species may not be taken or collected except under an endangered species permit unless there is an open season for the species. If an open season exists for the species, then the appropriate hunting, fishing, or trapping license serves as the authorization for take.

(f) Wildlife Collection licenses may be issued to any individual, so long as the take is not deemed harmful to the efficient conservation of the species to be collected or to other wildlife species that may be dependent thereon.

(g) Individuals interested in obtaining a Wildlife Collection License shall apply by sending an application to 1701 Varsity Drive, Raleigh, NC 27606 or by completing and submitting submitting an application online at www.ncwildlife.org. Information required by the applicant The application shall include:

- (1) name, address, date of birth, email, and driver's license number; and
- (2) species information.
- (3) Additional information required for scientific and educational collection shall include:
 - (A) organizational affiliation, if any; and
 - (B) full documentation of research or educational proposal(s) and Institutional Animal Care and Use Committee approval, if applicable.

(h) Wildlife Collection Licenses shall be used in lieu of any other hunting or trapping license required by law and shall authorize possession and transportation of the wildlife incidental to the authorized taking. It shall not authorize the taking, possession, or transportation of any species of wildlife in violation of the Endangered Species Act, the Migratory Bird Treaty Act, The Bald and Golden Eagle Protection Act Act, or any other federal act to prohibit or restrict the possession and transportation of wildlife resources.

(i) Wildlife Collection Licenses for snapping turtle collection shall only be available to North Carolina residents. The following conditions shall apply:

- ~~[(1) — collection shall occur from June 1 through September 30;]~~
- ~~[(2)](1)~~ no more than 10 snapping turtles per physical address person per day;
- ~~[(3)](2)~~ no more than 100 snapping turtles per physical address person per season; calendar year;
- ~~[(4)](3)~~ turtles shall have a minimum curved carapace length of 13 inches; and
- ~~[(5)](4)~~ no more than ~~[40]~~ 15 trapping devices per license. Devices shall be:
 - (A) ~~[Labeled]~~ labeled with a waterproof tag that shows the licensee's name, WRC Customer Number, or Wildlife Collection License ~~[number.]~~ number;
 - (B) ~~[Hoop]~~ hoop traps or other trap style that allows for the unharmed release of any nontarget species or snapping turtles less than 13 ~~[inches.]~~ inches; and
 - (C) ~~[Checked]~~ checked daily per 15A NCAC 10B .0110.

(j) Unless a more limited duration is designated on the license, Wildlife Collection Licenses shall be valid from January 1 through December 31 of the applicable year.

(k) Licensed individuals shall submit the following information to the Wildlife Resources Commission within 15 days of license expiration depending on the species taken:

- (1) the numbers of each species taken under the license and the use or disposition thereof;
- (2) dates and location of the taking; and
- (3) sex, size, weight, condition, or approximate age of each specimen taken as specified on the license.

(l) Wildlife Collections License shall not be transferable either by license holder or by site of a facility.

~~[(m) The Executive Director or his or her designee may, pursuant to G.S. 113-272.4(d), require further restrictions or conditions on individuals licensed under this Rule as he or she deems necessary to the efficient administration of the wildlife conservation statutes and rules.]~~

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History Note: Authority G.S. 113-134; 113-272.4;
Eff. January 1, 1981;
Amended Eff. August 1, 2017; January 1, 2013; May 1, 2009; May 1, 2008; April 1, 2001; February
1, 1994; November 1, 1990; September 1, 1989;
Readopted Eff. August 1, 2022.

1 15A NCAC 10B .0123 is readopted as published with changes in 36:11 NCR 906-907 as follows:

2
3 **15A NCAC 10B .0123 LIMITATIONS ON CERTAIN EXOTIC SPECIES**

4 ~~(a) Except as provided in this Rule, it shall be unlawful to import, transport, export, purchase, possess, sell, transfer,~~
5 ~~or release into public or private waters or lands of the State, any live specimen(s) of Tongueless or African Clawed~~
6 ~~Frog (*Xenopus* spp.), Brown Anole (*Anolis sagrei*), Cuban Treefrog (*Osteopilus septentrionalis*), any Asian Newts~~
7 ~~(genera *Cynops*, *Pachytriton*, *Paramesotriton*, *Laotriton*, *Tylotriton*), or Red-eared Slider (*Trachemys scripta*~~
8 ~~*elegans*).~~

9 (a) Except as provided in this Rule, it shall be unlawful to import, transport, export, purchase, possess, sell, transfer,
10 or release into public or private waters or lands of the State, any live specimen(s) specimen [of] of:

11 (1) Tongueless or African Clawed Frog (*Xenopus* spp.);

12 (2) Brown Anole (*Anolis sagrei*);

13 (3) Cuban Treefrog (*Osteopilus septentrionalis*);

14 (4) Asian Newts (genera *Cynops*, *Pachytriton*, *Paramesotriton*, *Laotriton*, *Tylotriton*);

15 (5) Red-eared Slider (*Trachemys scripta elegans*);

16 (6) [Tegu (genera *Salvator* and *Tupinambis*); Argentine Black and White Tegu (*Salvator merianae*
17 or *Tupinambis merianae*); or

18 (7) Greenhouse Frog (*Eleutherodactylus planirostris*).

19 (b) The North Carolina Wildlife Resources Commission may by permit authorize importation, transportation,
20 exportation, purchase, possession, sale, or transfer of any species in this Rule by the following entities, subject to the
21 specified limitations:

22 (1) Retail and Wholesale Establishments. Importation, possession, sale, transfer, transportation, and
23 exportation of these species within North Carolina, by retail and wholesale establishments whose
24 primary business is providing scientific supplies for research, shall be allowed by permit, provided
25 the following conditions are met:

26 (A) the application for a permit shall be in writing and include plans for holding, transportation,
27 advertisement, and sale to allow a determination of the safeguards employed to prevent
28 accidental escape and sales to unauthorized individuals;

29 (B) in-State sale or transfer is allowed only to agencies, entities, and institutions listed in
30 Subparagraph (2) of this Paragraph;

31 (C) exportation shall comply with all applicable rules and regulations of the importing state;

32 (D) all specimens shall be possessed in indoor facilities; and

33 (E) transportation of specimens shall employ safeguards that prevent accidental escape.

34 (2) Government Agencies and Research Institutions. Purchase, importation, possession, transfer,
35 transportation, and exportation of these species within North Carolina shall be allowed by permitted
36 State and federal governmental agencies, corporate research entities, and research institutions,
37 provided the following conditions are met:

- 1 (A) the application for a permit shall be in writing and include plans for holding, transportation,
2 final disposition, and safeguards to prevent accidental escape;
3 (B) exportation shall comply with all applicable rules and regulations of the importing state;
4 (C) all specimens shall be possessed in indoor facilities;
5 (D) transportation of specimens shall employ safeguards that prevent accidental escape; and
6 (E) the agency's, entity's, or institution's Animal Use and Care Committee has approved the
7 research protocol for these species.

8 (c) Notwithstanding Paragraph (a) of this Rule, it shall be lawful for private individuals in possession of a live
9 ~~specimen(s)~~ ~~specimen~~ of Red-eared ~~Slider(s)~~ ~~Slider~~ (Trachemys scripta elegans) prior to August 1, 2018, to retain,
10 transport, transfer, or export the ~~animal(s)~~ ~~animal~~ in their possession. Notwithstanding Paragraph (a) of this Rule, it
11 shall be lawful for private individuals in possession of a live [specimen(s)] specimen [of Tegu(s) (genera Salvator and
12 Tupinambis)] Argentine Black and White [Tegu(s)] Tegu (Salvator merianae and Tupinambis merianae) prior to
13 August 1, 2022, to retain, transport, transfer, or export the [animal(s)] animal in their possession.

14 (d) Notwithstanding Paragraph (a) of this Rule, facilities open to the public for education may apply for a permit to
15 collect, receive, and possess ~~Red-eared Slider(s).~~ any of the species listed in Paragraph (a).

16
17 *History Note:* *Authority G.S. 113-134; 113-274; 113-292;*
18 *Eff. February 1, 1994;*
19 *Amended Eff. August 1, 2018; April 1, 1997.*
20 *Readopted Eff. August 1, 2022.*
21

1 15A NCAC 10B .0203 is readopted as published in 36:11 NCR 907-910 as follows:

2
3 **15A NCAC 10B .0203 DEER (WHITE-TAILED)**

4 (a) Open Seasons (All Lawful Weapons) for hunting deer:

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
6 from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo
7 Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to
8 15A NCAC 10D ~~.0103~~ .0100 and .0200 for Deer With Visible Antlers seasons on these Game
9 Lands), during the following seasons:

10 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick,
11 Carteret, Columbus*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones,
12 Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson,
13 Scotland, Tyrrell, and Washington counties.

14 *Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

15 (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan,
16 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
17 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
18 Wilson counties.

19 (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe,
20 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
21 Surry, Watauga, Wilkes, and Yadkin counties.

22 (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
23 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
24 Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey
25 counties.

26 (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson,
27 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
28 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
29 counties.

30 (F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates,
31 and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those
32 parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National
33 Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National
34 Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River
35 National Wildlife Refuge; in those parts of Anson and Richmond counties known as the
36 Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the
37 Mackay Island National Wildlife Refuge.

- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph (Refer to 15A NCAC 10D ~~.0103~~ .0100 and .0200 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.
- (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.
- (D) The first open Saturday of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.
- *Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
- (E) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.

- 1 (F) The first open day of the Deer with Visible Antlers season described in Subparagraph (a)(1)
2 of this Rule through the second Friday thereafter in all of Cleveland, Polk, and Rutherford
3 counties.
- 4 (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1)
5 of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and
6 Gaston counties and in the following parts of counties: Buncombe: That part east of NC
7 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC
8 280; and Henderson: That part east of NC 191 and north and west of NC 280.
- 9 (H) The fourth Saturday in September in all counties, subject to the following restriction: only
10 persons under the age of 18 years may hunt.

11 (b) Open Seasons (Archery) for hunting deer:

- 12 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
13 limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the
14 following seasons:

- 15 (A) Saturday on or nearest September 10 through the day immediately preceding the first open
16 day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1)
17 of this Rule; and the Sunday immediately following the closing of blackpowder firearms
18 and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before
19 Thanksgiving in the counties and parts of counties having the open seasons for Deer With
20 Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson
21 Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC
22 10D ~~.0103~~ .0100 and .0200 for Archery seasons on these Game Lands).
- 23 (B) Sunday immediately following the closing of the open season for Deer With Visible
24 Antlers through January 1 in the counties and parts of counties having the open season for
25 Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

26 (2) Restrictions

- 27 (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as
28 provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery
29 season, except a single dog on a leash may be used to retrieve a dead or wounded deer in
30 accordance with G.S. 113-291.1(k).
- 31 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
32 may be used during the archery deer hunting season.
- 33 (C) Deer of either sex may be taken during archery seasons specified by Part (b)(1)(A) of this
34 Rule.
- 35 (D) Only deer with antlers or spikes protruding through the skin, as distinguished from knobs
36 or buttons covered by skin or velvet, shall be taken during the archery season specified by
37 Part (b)(1)(B) of this Rule.

1 (c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:

2 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be
3 taken only with blackpowder firearms and archery equipment during the following seasons:

4 (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described
5 in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter
6 except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South
7 Mountains Game Lands (Refer to 15A NCAC 10D .0103 .0100 and .0200 for Blackpowder
8 Firearms and Archery seasons on these Game Lands):

9 (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and
10 parts of counties having the open seasons for Deer With Visible Antlers specified by Part
11 (a)(1)(D) of this Rule.

12 (2) Restrictions

13 (A) Deer of either sex may be taken during blackpowder firearms and archery season in any
14 county or county part set forth in Part (a)(2)(E), (F), or (G) of this Rule that has either-sex
15 days for all lawful weapons. ~~weapons and in the following counties: Polk, Rutherford,~~
16 ~~McDowell, Burke, Caldwell, and Cleveland. Deer of either sex may be taken on the first~~
17 ~~Saturday day of this season only in all other counties.~~

18 (B) Deer of either sex may be taken during the first open day of the blackpowder firearms and
19 archery season thru the first Saturday thereafter in any county or county part set forth in
20 Part (a)(2)(D) of this Rule

21 (C) Deer of either sex may be taken on the first open Saturday of the blackpowder firearms
22 and archery season in any county or county part not set forth in Part (a)(2) of this Rule.

23 ~~(B)(D)~~ In the areas of the State where the Commission is authorized to regulate the use of dogs as
24 provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder
25 firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead
26 or wounded deer in accordance with G.S. 113-291.1(k).

27 (3) As used in this Rule, "blackpowder firearms" means Any firearm - including any firearm with a
28 matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before
29 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not
30 designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any
31 muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that
32 is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the
33 muzzle, cylinder, or breech and that cannot use fixed ammunition.

34 (d) Open Season (Urban Season) for hunting deer:

35 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
36 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in
37 participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following

January 1 through the sixth Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.

- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the urban season shall apply.

- (3) Restrictions:

(A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

(B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. The possession and season limit is six deer, two of which may be deer with visible antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

1 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
2 *Temporary Amendment Eff. June 1, 2003;*
3 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
4 *2003);*
5 *Amended Eff. August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015;*
6 *August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May*
7 *1, 2007; May 1, 2006; June 1, 2005.*
8 *Readopted Eff. August 1, 2022.*

1 15A NCAC 10B .0205 is readopted as published in 36:11 NCR 910 as follows:

2
3 **15A NCAC 10B .0205 RACCOON AND OPOSSUM**

4 (a) ~~Open Season:~~ The open season for taking raccoon and opossum ~~shall be~~ is from sunrise Monday on or nearest
5 October 15 through the last day of February.

6 (b) Bag Limits:

7 (1) The daily bag limit for raccoon is three and there are no season and no possession limits.

8 (2) There is no restriction on bag limits for opossum.

9 ~~Note: See 15A NCAC 10B .0111 prohibiting axes, saws and shooting in certain western counties.~~

10 (c) Axes or saws shall not be carried when raccoon or opossum hunting.

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12
13 *History Note: Authority G.S. 113-134; 113-291.2;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;*

16 *Temporary Amendment Eff. July 1, 1999;*

17 *Amended Eff. May 1, 2008; May 1, 2007; July 1, 2000;*

18 *Readopted Eff. August 1, 2022.*
19
20

1 15A NCAC 10B .0206 is amended as published in 36:11 NCR 910 as follows:

2
3 **15A NCAC 10B .0206 SQUIRRELS**

4 ~~(a) Squirrel Open Seasons:~~

5 (1) ~~Gray and red squirrels may be taken by hunting on the Monday on or closest to October 15 to the~~
6 ~~last day of February.~~

7 (2) ~~Fox squirrels may be taken by hunting on the Monday on or nearest October 15 to January 31.~~

8 (a) The open season for gray and red squirrels is the Monday on or closest to October 15 through the last day of
9 February.

10 (b) The open season for fox squirrels is the Monday on or nearest October 15 through January 31.

11 (c) Except on game lands, gray squirrels may also be taken by hunting on the second Monday in May through the
12 fourth Monday in May.

13 ~~(b) Squirrel Bag Limits:~~

14 (1) ~~The daily bag limit for gray and red squirrels is eight and there are no season and no possession~~
15 ~~limits.~~

16 (2) ~~The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.~~

17 (d) The daily bag limit for gray and red squirrels is eight in aggregate and there are no season or possession limits.

18 (e) The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.

19
20 *History Note Authority G.S. 113-134; 113-291.2;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. August 1, 2022; August 1, 2013; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*
23 *2006; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;*

24 *Readopted Eff. August 1, 2019.*

1 15A NCAC 10B .0402 is readopted as published in 36:11 NCR 910-911 as follows:

2
3 **15A NCAC 10B .0402 TAGGING FURS**

4 (a) Except as provided in Rule .0404 and .0405 of this Section, ~~it is unlawful to transport or to buy, buying, sell,~~
5 ~~selling, barter, bartering, trade, trading, or otherwise transfer transferring~~ possession or ownership of the carcass or
6 pelt of any bobcat, ~~otter~~ otter, or fox without having affixed to such carcass or pelt an individual tag provided by the
7 North Carolina Wildlife Resources ~~Commission. Commission is prohibited. Each such tag shall bear a serial number.~~
8 ~~When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this paragraph shall~~
9 ~~apply only to tagging foxes.~~

10 (b) ~~It is unlawful for any person to import~~ Importing into this State the carcass or pelt of any otter or bobcat ~~which~~
11 ~~that~~ has not been previously affixed with a tag required and supplied by the state ~~in which where~~ the animal was ~~taken.~~
12 ~~taken shall be prohibited. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and~~
13 ~~bobcat this Paragraph shall no longer apply.~~

14 (c) Foxes shall be tagged in accordance with G.S. 113-291.4.

15 (d) The carcasses or pelts of foxes lawfully taken and lawfully tagged may be sold, except those taken under a
16 depredation permit in any county where the sale of foxes or parts thereof is prohibited by local law.

17
18 *History Note: Authority G.S. 113-134; 113-273; 113-276.1; 50 C.F.R. 23; ~~87 Stat. 884;~~*

19 *Eff. November 14, 1978;*

20 *Amended Eff. August 1, 2010; August 1, 2004; January 1, 1992; October 11, 1980; October 1, 1980;*

21 *Readopted Eff. August 1, 2022.*

1 15A NCAC 10B .0403 is readopted with changes as published in 36:11 NCR 911 as follows:

2
3 **15A NCAC 10B .0403 APPLICATION FOR TAGS**

4 (a) Fur tags shall be ~~distributed~~ issued free of charge, excluding postage if applicable, by applying in person at 1751
5 Varsity Dr, Raleigh, NC 27606, over the phone, or by completing and submitting ~~in response to a request form to~~
6 ~~applications made on forms supplied by the Commission.~~ Commission online at www.ncwildlife.org.

7 (b) Fur tag requests shall include the following applicant information:

8 (1) ~~name;~~ name; telephone number, email address, and physical address;

9 (2) date of birth;

10 (3) physical address;

11 (4) type and quantity of tags requested; and

12 (5) telephone number, email address, and WRC Customer number, as applicable.

13 ~~(2)~~ [date of birth;]

14 ~~(3)~~ [WRC Customer number; and]

15 ~~(4)~~ [type and quantity of tags requested.]

16 (c) The following restrictions shall apply to fur tags:

17 (1) no more than 50 bobcat tags shall be issued per request;

18 (2) no more than 150 otter tags shall be issued per request; and

19 (3) fox tags may be limited in accordance with area, bag, possession, or season limits.

20
21 ~~(b) The fees to be charged for each fur tag are as follows:~~

22

Species	Fee
Bobcat	2.20
Otter	2.20

26 ~~(c) Foxes shall be tagged in accordance with G.S. 113-291.4(g). The carcasses or pelts of foxes lawfully taken and~~
27 ~~lawfully tagged in an area of open fox season, and those taken under a depredation permit, and those taken under a~~
28 ~~local law that permits foxes to be sold may be sold; provided that this Paragraph shall not authorize the sale of carcasses~~
29 ~~or pelts of foxes taken under a depredation permit in any county in which the sale of foxes or parts thereof is prohibited~~
30 ~~by local law.~~

31
32 *History Note: Authority G.S. 113-134; ~~113-270.1~~; 113-273; 113-276.1; 113-291.4;*

33 *Eff. November 14, 1978;*

34 *Amended Eff. April 1, 2003; January 1, 1992; August 1, 1988; July 1, 1988; July 1, 1984.*

35 *Readopted Eff. August 1, 2022.*

1 15A NCAC 10C .0205 is amended as published in 36:11 NCR 911-919 as follows:

2
3 **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

4 (a) For purposes of this Rule, the following definitions apply:

- 5 (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared
6 substances designed to attract fish by the sense of taste or smell.
7 (2) "Single hook" means a fish hook with only one point.
8 (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that
9 attracts fish by the sense of taste or smell.
10 (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or any
11 similar material to which no additional hook, spinner, spoon or similar device is added.
12 (5) "Youth anglers" are individuals under 18 years of age.

13 (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- 14 (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC
15 10D .0104.
16 (2) "Catch and Release/Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters
17 where only artificial flies and lures having one single hook may be used. No trout may be possessed
18 or harvested while fishing these streams. Waters designated as such include tributaries unless
19 otherwise noted.
20 (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and
21 one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful
22 to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout
23 while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day, only youth
24 anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday
25 in June until October 1, anglers of all ages may fish and these waters have no bait or lure restrictions.
26 Waters designated as such do not include tributaries unless otherwise noted.
27 (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure
28 restrictions. Waters designated as such do not include tributaries unless otherwise noted.
29 (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific
30 regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
31 (6) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or
32 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person
33 shall possess natural bait while fishing these waters. Waters designated as such do not include
34 tributaries unless otherwise noted.
35 (7) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and
36 natural baits, except live fish, may be used provided they are fished using only one single hook.
37 Waters designated as such include tributaries unless otherwise noted.

(8) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions.

(c) Seasons, creel, and size limits. Seasons, creel, and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

(1) Alleghany

(A) Delayed Harvest Trout Waters are as follows:

Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])

(B) Hatchery Supported Trout Waters are as follows:

Big Pine Creek

Bledsoe Creek

Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)

Cranberry Creek

(Big) Glade Creek

Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)

Meadow Fork

Pine Swamp Creek

Piney Fork

Prathers Creek

(C) Wild Trout Waters are as follows:

All waters located on Stone Mountain State Park

(2) Ashe County

(A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)

(B) Delayed Harvest Trout Waters are as follows:

Big Horse Creek (S.R. 1324 bridge to North Fork New River)

Helton Creek ~~(SR 900 yards upstream of SR 1372 bridge~~ [marked by a sign on each bank]
to North Fork New River)

South Fork New River (upstream end of Todd Island to the SR 1351 bridge)

Trout Lake

(C) Hatchery Supported Trout Waters are as follows:

Beaver Creek (N.C. 221 to confluence of Beaver Creek and South Beaver Creek)

- 1 Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
2 Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
3 Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)
4 Cranberry Creek (Alleghany Co. line to South Fork New River)
5 Nathans Creek
6 North Fork New River (Watauga Co. line to Sharp Dam)
7 Old Fields Creek (N.C. 221 to South Fork New River)
8 Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
9 Roan Creek
10 Three Top Creek
- 11 (3) Avery County
- 12 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
13 Elk River (portion on Lees-McRae College property, excluding the millpond)
14 Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
15 Wilson Creek (game land portion)
- 16 (B) Hatchery Supported Trout Waters are as follows:
17 Boyde Coffey Lake
18 Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state
19 line)
20 Linville River (~~Land Harbor line [below dam]~~ S.R. 1504 to the Blue Ridge Parkway
21 boundary line, except where posted against trespassing)
22 Milltimber Creek
23 North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family
24 Recreational Park, except where posted against trespassing)
25 North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against
26 trespassing)
27 Squirrel Creek
28 Wildcat Lake
- 29 (C) Wild Trout Waters are as follows:
30 Birchfield Creek
31 Cow Camp Creek
32 Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)
33 Gragg Prong
34 Horse Creek
35 Kentucky Creek
36 North Harper Creek
37 Plumtree Creek

- 1 Roaring Creek
2 Rockhouse Creek
3 Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
4 South Harper Creek
5 Webb Prong
6 (4) Buncombe County
7 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
8 Carter Creek (game land portion)
9 (B) Hatchery Supported Trout Waters are as follows:
10 Bent Creek (headwaters to N.C. Arboretum boundary line)
11 Cane Creek (headwaters to S.R. 3138 bridge)
12 Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
13 Dillingham Creek (Corner Rock Creek to Ivy Creek)
14 Ivy Creek (Ivy River)(Dillingham Creek to U.S. 19-23 bridge)
15 Lake Powhatan
16 Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against
17 trespassing)
18 Rich Branch (downstream from the confluence with Rocky Branch)
19 Stony Creek
20 Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of
21 N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)
22 (5) Burke County
23 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
24 Henry Fork (portion on South Mountains State Park)
25 (B) Delayed Harvest Trout Waters are as follows:
26 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
27 (C) Hatchery Supported Trout Waters are as follows:
28 Carroll Creek (game land portion above S.R. 1405)
29 Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
30 Linville River portion within Linville Gorge Wilderness area and portion below Lake
31 James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)
32 (D) Special Regulation Trout Waters are as follows:
33 Catawba River (Muddy Creek to City of Morganton water intake dam)
34 (E) Wild Trout Waters are as follows:
35 All waters located on South Mountains State Park, except those waters identified in Parts
36 A and B of this Subparagraph
37 (6) Caldwell County

- 1 (A) Delayed Harvest Trout Waters are as follows:
2 Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
- 3 (B) Hatchery Supported Trout Waters are as follows:
4 Boone Fork Pond
5 Buffalo Creek (mouth of Joes Creek to McCloud Branch)
6 Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
7 Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted
8 against trespassing)
9 Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
- 10 (C) Wild Trout Waters are as follows:
11 Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
12 Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
13 Rockhouse Creek
- 14 (7) Cherokee County
- 15 (A) Hatchery Supported Trout Waters are as follows:
16 Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
17 Hyatt Creek (Big Dam Branch to Valley River)
18 Junaluska Creek (Ashturn Creek to Valley River)
19 Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
20 Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)
- 21 (B) Special Regulation Trout Waters are as follows:
22 Apalachia Reservoir
- 23 (C) Wild Trout Waters/Natural Bait are as follows:
24 Bald Creek (game land portion)
25 Dockery Creek (game land portion)
26 ~~North Shoal Creek (game land portion)~~
- 27 (8) Clay County
- 28 (A) Delayed Harvest Trout Waters are as follows:
29 Fires Creek (Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area)
- 30 (B) Hatchery Supported Trout Waters are as follows:
31 Buck Creek (game land portion downstream of U.S. 64 bridge)
32 Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
33 Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)
- 34 (9) Graham County
- 35 (A) Delayed Harvest Trout Waters are as follows:
36 (Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)
- 37 (B) Hatchery Supported Trout Waters are as follows:

- 1 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
- 2 Cheoah Reservoir
- 3 Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
- 4 Santeetlah Creek (Johns Branch to Lake Santeetlah)
- 5 (Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
- 6 Stecoah Creek (upper game land boundary to Lake Fontana)
- 7 Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
- 8 West Buffalo Creek
- 9 Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)
- 10 (C) Wild Trout Waters are as follows:
- 11 Little Buffalo Creek
- 12 South Fork Squally Creek
- 13 Squally Creek
- 14 (D) Wild Trout Waters/Natural Bait are as follows:
- 15 ~~Deep Creek~~
- 16 Long Creek (game land portion)
- 17 (10) Haywood County
- 18 (A) Delayed Harvest Trout Waters are as follows:
- 19 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake
- 20 Logan)
- 21 (B) Hatchery Supported Trout Waters are as follows:
- 22 Cold Springs Creek (Fall Branch to Pigeon River)
- 23 Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against
- 24 trespassing)
- 25 Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
- 26 Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
- 27 West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands,
- 28 except Middle Prong)
- 29 (C) Wild Trout Waters/Natural Bait are as follows:
- 30 Hurricane Creek
- 31 (11) Henderson County
- 32 (A) Delayed Harvest Trout Waters are as follows:
- 33 North Fork Mills River (game land portion below the Hendersonville watershed dam)
- 34 (B) Hatchery Supported Trout Waters are as follows:
- 35 (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
- 36 Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
- 37 Clear Creek (Laurel Fork to S.R. 1582)

- 1 Green River (Lake Summit powerhouse to game land boundary)
2 (Big) Hungry River (S.R. 1885 to Green River)
- 3 (12) Jackson County
- 4 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
5 Flat Creek
6 (East Fork) Tuckasegee River (~~upstream from the Clark property~~)(game lands portion
7 upstream of Tanasee Creek Lake, including Duke Energy powerline corridor)
8 Tuckasegee River (upstream from the Clark property)
- 9 (B) Delayed Harvest Trout Waters are as follows:
10 Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of
11 the U.S. 23-441 bridge [marked by a sign on each bank])
- 12 (C) Hatchery Supported Trout Waters are as follows:
13 Balsam Lake
14 Bear Creek Lake
15 Cedar Cliff Lake
16 Cullowhee Creek (Tilley Creek to Tuckasegee River)
17 Dark Ridge Creek (Jones Creek to Scott Creek)
18 Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
19 Savannah Creek (Shell Branch to Cagle Branch)
20 Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against
21 trespassing)
22 Tanasee Creek Lake
23 Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)
24 Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge
25 [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot)
26 Wolf Creek Lake
- 27 (D) Wild Trout Waters are as follows:
28 Gage Creek
29 North Fork Scott Creek
30 Tanasee Creek
31 Whitewater River (downstream from Silver Run Creek to South Carolina state line)
32 Wolf Creek (except Balsam Lake and Wolf Creek Lake)
- 33 (E) Wild Trout Waters/Natural Bait are as follows:
34 Chattooga River (S.R. 1100 bridge to the South Carolina state line)
35 Lower Fowler Creek (game land portion)
36 Scotsman Creek (game land portion)
- 37 (13) Macon County

- 1 (A) Delayed Harvest Trout Waters are as follows:
2 Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)
- 3 (B) Hatchery Supported Trout Waters are as follows:
4 Burningtown Creek (Left Prong to Little Tennessee River)
5 Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
6 Cliffside Lake
7 Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
8 Nantahala River — upper (Dicks Creek to Whiteoak Creek)
9 Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
10 Queens Creek Lake
- 11 (C) Wild Trout Waters/Natural Bait are as follows:
12 Chattooga River (S.R. 1100 bridge to South Carolina state line)
13 ~~Jarrett Creek (game land portion)~~
14 Kimsey Creek
15 ~~Overflow Creek (game land portion)~~
16 Park Creek
17 Tellico Creek (game land portion)
18 Turtle Pond Creek (game land portion)
- 19 (14) Madison County
- 20 (A) Delayed Harvest Trout Waters are as follows:
21 Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)
22 Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
23 Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews
24 Ave.)
- 25 (B) Hatchery Supported Trout Waters are as follows:
26 Big Laurel Creek (Puncheon Fork to the S.R. 1318 [Big Laurel Rd.] bridge downstream of
27 Bearpen Branch)
28 Big Pine Creek (S.R. 1151 bridge to French Broad River)
29 Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence
30 with Ivy Creek at Forks of Ivy)
31 Max Patch Pond
32 Meadow Fork Creek (Meadow Fork Campground to Spring Creek)
33 Puncheon Fork (Wolf Laurel Branch to Big Laurel Creek)
34 Roaring Fork (Fall Branch to Meadow Fork)
35 Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
36 Shut-in Creek
37 Spillcorn Creek

- 1 Spring Creek (junction of N.C. 209 and N.C. 63 to ~~USFS Rd. 223~~) the confluence with
2 Meadow Fork)
3 West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-
4 in Creek)
5 (C) Wild Trout Waters/Natural Bait are as follows:
6 Big Creek (headwaters to the lower game land boundary)
7 (15) McDowell County
8 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
9 Newberry Creek (game land portion)
10 (B) Delayed Harvest Trout Waters are as follows:
11 Catawba River (portion adjacent to Marion Greenway)
12 Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
13 Mill Creek (U.S. 70 bridge to I-40 bridge)
14 (C) Hatchery Supported Trout Waters are as follows:
15 Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
16 Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
17 Little Buck Creek (game land portion)
18 North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
19 (16) Mitchell County
20 (A) Delayed Harvest Trout Waters are as follows:
21 Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)
22 North Toe River (U.S. 19E bridge to N.C. 226 bridge)
23 (B) Hatchery Supported Trout Waters are as follows:
24 Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
25 Cane Creek (S.R. 1219 to N.C. 226 bridge)
26 East Fork Grassy Creek
27 Grassy Creek (East Fork Grassy Creek to mouth)
28 Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against
29 trespassing)
30 North Toe River (Avery Co. line to S.R. 1121 bridge)
31 (C) Wild Trout Waters are as follows:
32 Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
33 Little Rock Creek (above Green Creek bridge, including all tributaries, except where
34 posted against trespassing)
35 Wiles Creek (game land boundary to mouth)
36 (17) Polk County
37 (A) Delayed Harvest Trout Waters are as follows:

- 1 Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
- 2 (B) Hatchery Supported Trout Waters are as follows:
- 3 Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
- 4 North Pacolet River (Joels Creek to N.C. 108 bridge)
- 5 (18) Rutherford County
- 6 (A) Hatchery Supported Trout Waters are as follows:
- 7 (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted
- 8 against trespassing)
- 9 (19) Stokes County
- 10 (A) Hatchery Supported Trout Waters are as follows:
- 11 Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- 12 (20) Surry County
- 13 (A) Delayed Harvest Trout Waters are as follows:
- 14 Ararat River (portion adjacent to the Ararat River Greenway)
- 15 Mitchell River (0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R.
- 16 1330)
- 17 (B) Hatchery Supported Trout Waters are as follows:
- 18 Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
- 19 Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards
- 20 downstream of N.C. 268 [marked by a sign on each bank])
- 21 Fisher River (Cooper Creek)(Virginia state line to I-77 bridge)
- 22 Little Fisher River (Virginia state line to N.C. 89 bridge)
- 23 Lovills Creek (U.S. 52 Business bridge to Ararat River)
- 24 Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)
- 25 (21) Swain County
- 26 (A) Delayed Harvest Waters Trout Waters are as follows:
- 27 Tuckasegee River (U.S. 19 bridge to Slope Street bridge)
- 28 (B) Hatchery Supported Trout Waters are as follows:
- 29 Alarka Creek (game land boundary to Fontana Reservoir)
- 30 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
- 31 Cheoah Reservoir
- 32 Connelly Creek (Camp Branch to Tuckasegee River)
- 33 Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
- 34 Nantahala River (Macon Co. line to existing Fontana Lake water level)
- 35 (22) Transylvania County
- 36 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

- Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
- (B) Delayed Harvest Trout Waters are as follows:
- East Fork French Broad River (East Fork Baptist Church to the downstream S.R. 1107 bridge)
- Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
- (C) Hatchery Supported Trout Waters are as follows:
- Davidson River (Avery Creek to lower USFS boundary)
- French Broad River (confluence of North Fork French Broad River and West Fork)
- French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
- Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)
- West Fork French Broad River (S.R. 1312 to confluence with North Fork French Broad River)
- (D) Wild Trout Waters are as follows:
- All waters located on Gorges State Park
- Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- (E) Wild Trout Waters/Natural Bait are as follows:
- North Fork French Broad River (game land portion downstream of S.R. 1326)
- Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)
- (23) Watauga County
- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)
- Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)
- (B) Delayed Harvest Trout Waters are as follows:
- Lake Coffey
- Watauga River – upper (S.R. 1114 bridge to Valle Crucis Community Park lower boundary)
- Watauga River – lower (S.R. 1103 bridge to confluence with Laurel Creek)
- (C) Hatchery Supported Trout Waters are as follows:
- Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)
- Beech Creek
- Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
- Buckeye Creek Reservoir

Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
 Dutch Creek (second bridge on S.R. 1134 to mouth)
 Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
 Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
 Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
 Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)
 Norris Fork Creek
 South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park)
 Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
 (D) Wild Trout Waters are as follows:
 Dutch Creek (headwaters to second bridge on S.R. 1134)
 Howard Creek
 Maine Branch (headwaters to North Fork New River)
 North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
 Watauga River (Avery Co. line to S.R. 1580 bridge)
 Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
 (24) Wilkes County
 (A) Delayed Harvest Trout Waters are as follows:
 East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)
 Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
 Elk Creek — lower (portion on Leatherwood Mountains development)
 Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)
 Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong Roaring River and Bullhead Creek)
 (B) Hatchery Supported Trout Waters are as follows:
 Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)
 Bell Branch Pond
 Boundary Line Pond
 Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
 Darnell Creek (North Prong Reddies River)(downstream ford on S.R. 1569 to confluence with North Fork Reddies River)

East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)
 Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where
 posted against trespassing)
 Middle Fork Reddies River (Clear Prong)(headwaters to bridge on S.R. 1580)
 Middle Prong Roaring River (headwaters to second bridge on S.R. 1736)
 North Fork Reddies River (Vannoy Creek)(headwaters to Union School bridge on S.R.
 1559)
 Pike Creek
 Pike Creek Pond
 South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies
 River)
 South Prong Lewis Fork (Fall Creek to U.S. 421 bridge adjacent to S.R. 1155 intersection)
 (C) Wild Trout Waters are as follows:
 All waters located on Stone Mountain State Park, except East Prong Roaring River from
 Bullhead Creek downstream to the Stone Mountain State Park lower boundary where
 Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at
 Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek
 in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
 (25) Yancey County
 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
 South Toe River (headwaters to Upper Creek)
 Upper Creek
 (B) Delayed Harvest Trout Waters are as follows:
 Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
 (C) Hatchery Supported Trout Waters are as follows:
 Bald Mountain Creek (except where posted against trespassing)
 Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
 Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
 South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park,
 except where posted against trespassing)
 (D) Wild Trout Waters are as follows:
 Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)
 Lickskillet Creek
 Middle Creek (game land boundary to mouth)

History Note: Authority G.S. 113-272; 113-292;
Eff. February 1, 1976;

1 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*
2 *October 1, 1992;*
3 *Temporary Amendment Eff. July 1, 1999;*
4 *Amended Eff. July 1, 2000;*
5 *Temporary Amendment Eff. July 1, 2001;*
6 *Temporary Amendment Eff. July 1, 2002;*
7 *Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);*
8 *Temporary Amendment Eff. June 1, 2003;*
9 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
10 *2003);*
11 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014;*
12 *August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*
13 *1, 2007; May 1, 2006; June 1, 2005;*
14 *Readopted Eff. August 1, 2019;*
15 *Amended Eff. August 1, 2022, August 1, 2021; August 1, 2020.*

1 15A NCAC 10C .0314 is amended as published in 36:11 NCR 918-919 as follows:

2
3 **15A NCAC 10C .0314 STRIPED BASS**

4 (a) The daily creel limit for Striped Bass and its hybrids is four fish in the aggregate, except in waters identified in
5 Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. The minimum size limit for these fish is 20 inches, except in
6 waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. There is no closed season, except
7 for waters identified in Paragraphs (g), (h), (i), (j), and (k) of this Rule.

8 (b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA
9 and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in the aggregate and the
10 minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel
11 limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.

12 (c) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for Striped Bass and its hybrids is 20
13 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September
14 30.

15 (d) In ~~Lake Norman~~, Hyco Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake
16 Townsend, and Salem Lake the minimum size limit for Striped Bass and its hybrids is 16 inches.

17 (e) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, but
18 only two may be greater than 22 inches.

19 (f) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the
20 South Carolina state line, the daily creel limit for Striped Bass and its hybrids is three fish in the aggregate, and the
21 minimum size limit is 18 inches.

22 (g) In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream to
23 the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of
24 Interstate 95 not specified in Paragraphs (f), (h), (i), and (j) of this Rule, the daily creel limit for Striped Bass and its
25 hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and
26 possessing Striped Bass is closed from May 1 through September 30.

27 (h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in the
28 ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing Striped Bass is
29 closed year-round.

30 (i) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A
31 NCAC 03R .0201 and identified in 15A NCAC 10C .0110, which includes the Roanoke, Cashie, Middle, and Eastmost
32 rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through
33 April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam.
34 During the open season, the daily creel limit for Striped Bass and its hybrids is ~~two~~ one fish in the aggregate, and the
35 minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily
36 creel limit. ~~Only one fish larger than 27 inches may be possessed in the daily creel limit.~~

1 (j) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck
2 Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and
3 their tributaries), the Striped Bass fishing season, size limits, and creel limits are the same as those established by rules
4 or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

5 (k) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend, or extend the hook-and-
6 line season for Striped Bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate
7 the provisions of any proclamation issued under this authority.

8
9 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

10 *Eff. November 1, 2013;*

11 *Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*

12 *Readopted Eff. August 1, 2019;*

13 *Amended Eff. August 1, 2022; August 1, 2021; August 1, 2020.*

1 15A NCAC 10D .0102 is amended with changes as published in 36:11 NCAC 919-923 as follows:

2
3 **15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

4 (a) For purposes of this Subchapter, the following definitions apply:

- 5 (1) "Permanent Hunting Blind" means any structure that is used for hunter concealment, constructed
6 from manmade or natural materials, and that is not disassembled and removed at the end of each
7 day's hunt.
8 (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or
9 self-defense.
10 (3) "Youth" means individuals under 18 years of age.

11 (b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the
12 landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional
13 restrictions on entry or usage:

- 14 (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and
15 arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open days
16 of any applicable deer season.
17 (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person
18 shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on
19 any game land. Falconry is exempt from this provision.
20 (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use
21 of centerfire rifles is prohibited.
22 (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the
23 general public, and entry upon such an area for any purpose is prohibited without first having
24 obtained written approval of such entry or use from an authorized agent of the Wildlife Resources
25 Commission. Entry shall be authorized only when such entry will not compromise the primary
26 purpose for establishing the Restricted Zone and the person or persons requesting entry are able to
27 demonstrate a valid need or such person is a contractor or agent of the Commission conducting
28 official business. "Valid need" includes issues of access to private property, scientific investigations,
29 surveys, or other access to conduct activities in the public interest.
30 (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are
31 closed to all use by the general public, and entry upon such an area for any purpose is prohibited
32 without first having obtained written approval of such entry or use from an authorized agent of the
33 Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted
34 Zone when there is a danger to the health or welfare of the public.
35 (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge
36 of firearms or bow and arrow is prohibited.

(7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).

(8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the general public shall be prohibited from sunset to sunrise.

(9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to all use by the general public during the dates specified on the sign, and entry upon such an area for any purpose is prohibited without first obtaining written approval of such entry or use from an authorized agent of the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. No person shall discharge:

- (1) any weapon within 150 yards of any game land building or designated game land camping area, except where posted otherwise;
- (2) any weapon within 150 yards of any residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions, free of charge, at:

http://www.ecfr.gov/cgi-bin/text-idx?SID=75b0c14fb2c26906cf64a267eb69b052&mc=true&node=se36.3.327_113&rgn=div8. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;

- (2) the firearm is cased or not immediately available for use;
- (3) the firearm is used by persons participating in field trials on field trial areas; or
- (4) the firearm is possessed in designated camping areas for defense of persons and property.

(e) Game Lands License: Hunting and Trapping

- (1) Requirement. Except as provided in Subparagraph (4) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, running dogs, or training dogs using wildlife shall have in his or her possession a game lands license in addition to the appropriate hunting or trapping license, or a license that conveys the game land use privilege.
- (2) For Commission-sanctioned field trials, active participants (as defined in 15A NCAC 10B .0114) in a field trial using wildlife shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege, except non-residents may substitute hunting licenses from their state(s) of residence.
- (3) For any other field trial using wildlife occurring on game lands, judges and active participants shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege.
- (4) Exceptions:
 - (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
 - (B) on the game lands described in Rule .0103(e)(1) of this Section, the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. Any individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file with the Commission an application to use the area and facility accompanied by the facility use fee computed at the rate of two hundred dollars (\$200.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of seventy-five dollars (\$75.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the

North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October 22 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Dogs may not be trained or permitted to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on any game land located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when such field trial does not conflict with other planned activities on the Game Land or field trial facilities, and the applying organization can demonstrate their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the applicable open trapping seasons established by rule. Foxes can be trapped on game lands from November 1 through the end of February in any county with an open fox trapping season that falls between November 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during any fox trapping season that occurs outside the dates of November 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

- (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- (2) in posted "safety zones" located on any game land;
- (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west; and
- ~~(4) on the John's River Waterfowl Refuge in Burke County;~~
- ~~(5)~~ (4) on the DuPont State Forest Game Lands; and
- ~~(6)~~ (5) from April 1 through October 31.

At each trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in G.S.113-294(r), is less than 3 cubic inches and is covered to prevent it from being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads constructed, maintained, and opened for vehicular travel and those trails posted for vehicular travel, unless such person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land;
or
- (2) is a disabled sportsman as defined in Paragraph (k) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (m) of this Rule and is abiding by the rules described in Paragraph (m).
- (i) Camping.
- (1) No person shall camp on any game land except on an area designated by the landowner for camping.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at any designated camping area is 14 days within any 30-day period from May 1 through August 31, unless otherwise specified in Rules of this Subchapter. After 14 consecutive days of camping, all personal belongings shall be removed from the game land.
- (j) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.
- (k) Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the Commission and use of designated blinds during those hunts, an individual shall possess a Disabled Veteran Sportsman license, a Totally Disabled Sportsman license, or a disabled sportsman hunt certification issued by the Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or more of the following disabilities:
- (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- (2) paralysis of one or more limbs;
- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease, injury, or defect confining the person to a wheelchair, walker, or crutches; or
- (5) deafness.
- On game lands where the privileges described in Paragraph (m) of this Rule apply, participants in the program may operate electric wheel chairs, all terrain vehicles, or other passenger vehicles:
- (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel.
- Each program participant may be accompanied by one companion provided such companion has in his possession the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.
- (l) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move wild fish from one stream to another on game lands without prior written authorization. Written authorization shall be given

1 when release of such animals is determined by a Wildlife Resources Commission biologist not to be harmful to native
2 wildlife in the area and such releases are in the public interest or advance the programs and goals of the Wildlife
3 Resources Commission.

4 (m) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use
5 on Game Lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (k) of this
6 Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but
7 shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans
8 with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other mobility devices designed for indoor pedestrian
9 use on any area where foot travel is allowed.

10 (n) Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted by
11 the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the
12 game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel
13 chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel
14 and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on
15 game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use.
16 Those game lands, or parts thereof, where this Paragraph applies are designated online, at www.ncwildlife.org. This
17 Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or
18 cover. One companion, who is identified by a companion card issued to each qualified disabled person, may
19 accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact
20 with the disabled person. The companion may participate in all lawful activities while assisting a disabled person,
21 provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under
22 this provision shall display the vehicular access permit issued by the Wildlife Resources Commission in the passenger
23 area of the vehicle where it can easily be seen by Commission staff outside the vehicle. It is unlawful for anyone other
24 than disabled persons as defined in Paragraph (k) of this Rule and those holding a Disabled Access Permit to hunt,
25 during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as
26 a Disabled Sportsman's hunting blind.

27 (o) Public nudity. Public nudity, including nude sunbathing, is prohibited on any game land, including land or water.
28 For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque
29 covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while
30 in a public place.

31 (p) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting
32 ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting skills, or for
33 other safe uses of firearms and archery equipment. All other uses, including camping, building fires, operating
34 concessions or other activities not directly involved with recreational or competitive shooting are prohibited, except
35 for activities that have been approved by the Commission and for which a permit has been issued may be conducted,
36 provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the
37 time the activity is taking place. No person, when using any shooting range, shall deposit any debris or refuse on the

1 grounds of the range. This includes any items used as targets, except that clay targets broken on the range, by the
2 shooter, may be left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of
3 the range. No person may leave any vehicle or other obstruction in such a location or position that it will prevent,
4 impede, or inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle
5 or other object at any place on the shooting range other than such a place or zone as is designated as an authorized
6 parking zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting
7 range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other
8 permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would
9 cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller
10 may be allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a
11 shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public
12 safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission
13 employees. No person shall handle any firearms on a shooting range while under the influence of an impairing
14 substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours
15 of operation shall be designated on signs and at least one such sign shall be posted at the entrance to each shooting
16 range. No person, when using any shooting range, shall do any act that is prohibited or neglect to do any act that is
17 required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use
18 of the area.

19 (q) Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads" are
20 open to motorized vehicles from 5:00 a.m. to 10:00 p.m. only. These roads shall be posted with the opening and
21 closing times.

22 (r) No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other
23 part thereof, or possess any bird or animal that has been so mutilated.

24 (s) Baiting. Except as provided in paragraph (g) of this Rule, no person shall place, or cause to be placed on any game
25 land, salt, grain, fruit, or other foods without prior written authorization from an agent of the Commission. Written
26 authorization may be provided for Commission authorized projects or Commission contractors to meet specific
27 objectives. Except as authorized by rule, no person shall take or attempt to take any wild birds or wild animals attracted
28 to such foods.

29
30 *History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*
31 *143-318.10;*

32 *Eff. February 1, 1976;*

33 *Amended Eff. July 1, 1993; April 1, 1992;*

34 *Temporary Amendment Eff. October 11, 1993;*

35 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*

36 *Temporary Amendment Eff. July 1, 1999;*

37 *Amended Eff. July 1, 2000;*

1 *Temporary Amendment Eff. August 31, 2001;*
2 *Amended Eff. August 1, 2002;*
3 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17,*
4 *2003);*
5 *Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May*
6 *1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;*
7 *Temporary Amendment Eff. July 1, 2014;*
8 *Amended Eff. August 1, 2022; August 1, 2020; August 1, 2017; August 1, 2016; May 1, 2015; August*
9 *1, 2014.*
10
11

1 15A NCAC 10D .0106 is amended with changes as published in 36:11 NCAC 937-938 as follows:

2
3 **15A NCAC 10D .0106 DESIGNATED BEAR SANCTUARIES MANAGEMENT AREAS**

4 (a) It shall be unlawful to take bear on posted designated bear sanctuaries management areas as set forth in Paragraph

5 (b) of this rule, except when authorized by permit issued by the Commission on sanctuaries management areas
6 specified in Paragraph (c) of this Rule.

7 (b) The following shall be posted designated bear sanctuaries management areas:

8 Bachelor Bay designated bear sanctuaries management area – Bertie and Washington counties

9 Columbus County designated bear sanctuaries management area – Brunswick and Columbus counties

10 Croatan designated bear sanctuaries management area – Carteret, Craven, and Jones counties

11 Daniel Boone designated bear sanctuaries management area – Avery, Burke, and Caldwell counties

12 Dare designated bear sanctuaries management area – Dare and Hyde counties,

13 Fires Creek designated bear sanctuaries management area – Clay County

14 Flat Top designated bear sanctuaries management area – Mitchell and Yancey counties

15 Green Swamp designated bear sanctuaries management area – Brunswick County

16 Gull Rock designated bear sanctuaries management area – Hyde County

17 Harmon Den designated bear sanctuaries management area – Haywood County

18 Juniper Creek designated bear sanctuaries management area – Brunswick and Columbus counties

19 Mt. Mitchell designated bear sanctuaries management area – McDowell and Yancey counties

20 North River designated bear sanctuaries management area – Camden and Currituck counties

21 Panthertown – Bonas Defeat designated bear sanctuaries management area – Jackson County

22 Pisgah designated bear sanctuaries management area – Buncombe, Haywood, Henderson and Transylvania

23 Pungo River designated bear sanctuaries management area – Hyde County

24 Rich Mountain designated bear sanctuaries management area – Madison County

25 Sherwood designated bear sanctuaries management area – Haywood County

26 Suggs Mill Pond designated bear sanctuaries management area – Bladen and Cumberland counties

27 Standing Indian designated bear sanctuaries management area – Macon County

28 Thurmond Chatham designated bear sanctuaries management area – Allegheny and Wilkes counties

29 Wayah designated bear sanctuaries management area – Macon County

30 (c) It shall be lawful to take bear on the following sanctuaries designated management areas when authorized by
31 permit issued by the Commission:

32 Daniel Boone designated bear sanctuaries management area – Avery, Burke, and Caldwell counties

33 Dare designated bear sanctuaries management area – Dare and Hyde counties

34 Mt. Mitchell designated bear sanctuaries management area – McDowell and Yancey counties

35 Panthertown – Bonas Defeat designated bear [sanctuary] management area – Jackson County

36 Pisgah designated bear [sanctuary] management area – Buncombe, Haywood, Henderson and Transylvania

37 Standing Indian designated bear [sanctuary] management area – Macon County

1 (d) Feral Swine shall not be taken with the use of dogs on designated bear ~~sanctuaries~~ management areas.

2 (e) Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15
3 on designated bear ~~sanctuaries~~ management areas located in and west of the counties and parts of counties described
4 in 15A NCAC 10B .0109.

5
6 *History Note:* Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305;

7 *Eff. August 1, 2019.*

8 *Amended Eff. August 1, 2022.*

1 15A NCAC 10E .0104 is amended as published in 36:11 NCR 940 as follows:

2
3 **15A NCAC 10E .0104 USE OF AREAS REGULATED**

4 (a) No person shall leave any vehicle, boat trailer or other obstruction on any public fishing or boating access area in
5 such a location, position or condition that prevents or impedes the use by other persons of any ramp or other facility
6 constructed for the purpose of launching or landing boats or fishing.

7 (b) No person shall park a vehicle, boat, boat trailer, or other object at a public fishing or boating access area unless
8 parking in a designated parking zone. Public fishing or boating access areas and facilities remain available for use
9 when designated parking zones are at capacity. When designated parking zones are at capacity, any person may enter
10 and use the areas or facilities, provided other arrangements for parking are made that do not violate this Rule or the
11 regulations of this Subchapter, if applicable. No person shall operate a vehicle at a public fishing or boating access
12 area in a manner that endangers life, limb, or property.

13 (c) No person shall possess a loaded firearm on any public fishing or boating access area, except that a handgun may
14 be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to
15 the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is
16 not North Carolina. The permission to carry a handgun does not apply to access areas on the following game lands:

- 17 (1) Bladen Lakes State Forest
- 18 (2) Buckhorn
- 19 (3) Butner-Falls of Neuse
- 20 (4) Chatham
- 21 (5) DuPont State Forest
- 22 (6) Harris
- 23 (7) Hyco
- 24 (8) Jordan
- 25 (9) Kerr Scott
- 26 (10) Lee
- 27 (11) Mayo
- 28 (12) Pee Dee River north of U.S 74
- 29 (13) Sutton Lake
- 30 (14) Vance
- 31 (15) the portion of R. Wayne Bailey-Caswell that is located north of U.S. 158 and east of N.C. 119

32 (d) No person, when using any public fishing or boating access area, shall deposit debris or refuse anywhere on the
33 grounds of the area. No person, when using any public fishing or boating access area, shall do any act that is prohibited
34 or neglect to do any act that is required by signs or markings placed on such area under authority of this Rule for the
35 purpose of regulating the use of the area.

(e) No person shall operate a motorboat in the public waters of North Carolina within 50 yards of a Commission-owned or managed boat launching ramp at greater than "no wake" speed. For the purpose of this Rule, "no wake" speed means idling speed or a slow speed creating no appreciable wake.

(f) Except where facilities are ~~provided~~, provided or permits are issued, it is unlawful to use any boating access area for purposes other than the launching and retrieving of vessels ~~boats~~ and parking vehicles ~~and boat with vessel~~ trailers. All other uses, including swimming, skiing, camping, building fires, operating concessions or other activities not directly involved with launching and retrieving of vessels ~~boats~~ are prohibited, except those activities ~~activities~~, ~~including fish weigh-ins~~, for which the Commission has issued a permit ~~permit. has been issued may be conducted~~, ~~provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the time the activity is taking place.~~ All organized activities and events require a permit from the Commission and can be applied for at www.ncwildlife.org. Permits shall be available for inspection by wildlife enforcement officers at the time the activity is taking place.

(g) Unless otherwise ~~Except where facilities are provided and approved uses are~~ posted, it is unlawful to use any public fishing area for purposes other than fishing. ~~All prohibited uses and activities shall be posted including possession of loaded firearms (except as allowed in Paragraph (b) of this Rule), swimming, launching or mooring jet skis or boats, skiing, building fires, operating concessions, or other activities not directly associated with fishing.~~

(h) It is unlawful to feed or release animals or birds, domesticated animals and feral animals on public fishing or boating access areas without prior written authorization of the Wildlife Resources Commission. Written authorization will only be granted to persons acting on behalf of the Commission, to persons conducting scientific investigations or surveys, and for release of rehabilitated wildlife. Written authorization will not be granted for any feeding or release that is inimical to the conservation of native wildlife resources. For the purpose of enforcing this Paragraph, "domesticated animals" does not include pets under the control of the owner and raptors or hunting dogs where otherwise permitted for hunting or training purposes.

(i) The use of gasoline powered motors on Ethridge Pond Public Fishing Area and Newbold Pond Public Fishing Area in Edgecombe County is prohibited.

History Note: Authority G.S. 75A-14; 113-134; 113-264;

Eff. February 1, 1976;

Amended Eff. August 1, 2022; August 1, 2019; August 1, 2012; August 1, 2010; May 1, 2009; July 1, 1995; February 1, 1994; September 1, 1992; July 1, 1991.

1 15A NCAC 10H .1301 is amended with changes as published in 36:11 NCR 940-941 as follows:

2
3 **15A NCAC 10H .1301 ~~COMMERCIAL TAKE OF CERTAIN TURTLES PROHIBITED SALE OF~~**
4 **NATIVE TURTLES**

5 ~~(a) For the purposes of this Rule, "commercial taking" means the taking, possession, collection, transportation,~~
6 ~~purchase, or sale of five or more individual turtles or any turtle part, per person in a calendar year.~~

7 ~~(a) Buying or selling any native turtle species is prohibited except for snapping turtles (*Chelydra serpentina*) with a~~
8 ~~curved carapace length of 13 inches or greater as authorized by 15A NCAC 10B .0119.~~

9 ~~(b) It shall be unlawful to engage in the commercial taking of any native turtle species in the families Emydidae or~~
10 ~~Trionychidae.~~

11 ~~(c) The prohibition on commercial taking in this Rule shall not apply to the following:~~

12 ~~(1) A licensed veterinarian when holding for purposes of medical treatment;~~

13 ~~(2) A holder of a valid captivity permit for the purposes of rehabilitation;~~

14 ~~(3) A publicly financed zoo, scientific research facility or institution of higher education, or any State~~
15 ~~or federal agency;~~

16 ~~(4) Any person who accidentally collects five or more turtles incidental to any lawful activity, and who~~
17 ~~immediately returns them to the wild; or~~

18 ~~(5) Property owners who legally apply for and receive depredation permits from the Wildlife Resources~~
19 ~~Commission, or one of its Wildlife Damage Control Agents.~~

20 ~~(d) No native turtle shall be sold, except:~~

21 ~~(1) as authorized by 10A NCAC 41A .0302; and~~

22 ~~(2) snapping turtles (*Chelydra serpentina*) with a curved carapace length of 11 inches or greater.~~

23 ~~(e)(b)~~ Violators shall be subject to a replacement cost per individual turtle that shall equal the replacement cost for
24 "species with no open season" as set forth in 15A NCAC 10B .0117(c).

25
26 *History Note: Authority G.S. 113-333(a)(6);*

27 *Eff. May 1, 2007;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
29 *6, 2016;*

30 *Amended Eff. August 1, 2022; November 1, 2019.*

1 15A NCAC 10H .1302 is amended with changes as published in 36:11 NCAC 941 as follows:

2
3 **15A NCAC 10H .1302 POSSESSION OF REPTILES AND AMPHIBIANS**

4 (a) Possession permits are required for the possession, importation, transportation, purchase, and sale [per physical
5 address]of:

- 6 (1) 25 or more individuals of any combination of native amphibian species; or
7 (2) five or more individuals of native reptile species.

8 ~~(b) Possession permits shall not be required for the possession, importation, transportation, purchase, and sale of:~~

- 9 ~~(1) 24 or fewer individuals of any combination of native amphibian species; or~~
10 ~~(2) four or fewer individuals of native reptile species.~~

11 (b) Possession permits are required for the rehabilitation of native reptiles and amphibians.

12 (c) Nothing in this Rule shall be construed to authorize the collection of any wildlife resources from the wild or the
13 taking, possession, transportation, sale, purchase, or release to the wild of any wildlife resources or their parts in
14 violation of State or federal laws or regulations.

15 (d) At no time shall permitted animals be released to the wild, except under situations of research or rehabilitation
16 with written permission from the Wildlife Resources Commission.

17 ~~(e) The sale of native turtles shall be unlawful, except as authorized by 10A NCAC 41A .0302 and snapping turtles~~
18 ~~(Chelydra serpentina) with a curved carapace length of 11 or greater.~~

19 ~~(f)~~(e) A possession permit shall not be issued for:

- 20 (1) holding reptiles and amphibians that were acquired unlawfully;
21 (2) holding reptiles and amphibians for unlawful sale or trade;
22 (3) ~~selling snapping turtles (Chelydra serpentina) less than 11 inches (curved carapace length);~~
23 individuals collecting snapping turtles under the collection license set forth in 15A NCAC 10B
24 .0119;
25 (4) ~~collecting five or more individual native turtles from the families Emydidae or Trionychidae from~~
26 ~~the wild in a given year, except those entities exempted from collection in Rule .1301(c) of this~~
27 Section; collection of native reptiles and amphibians from the wild;
28 (5) ~~collecting five or more individuals in aggregate from other native reptile families or 25 or more~~
29 ~~individual amphibians from the wild in a given year without first having secured a valid Collection~~
30 License;
31 ~~(6)(5)~~ individuals in violation of the requirements of a collection license, as set forth in 15A NCAC 10B
32 .0119, an endangered species permit, as set forth in 15A NCAC 10I .0100, or a possession permit
33 as set forth in this Section; or
34 ~~(7)(6)~~ individuals who do not first obtain possession permits prior to acquiring the following wildlife
35 resources in Paragraph (a) of this Rule.

36 ~~(g)(f) The~~ Unless a more limited duration is designated on the permit permit, possession permits shall be valid from
37 January 1 through December 31 of the applicable year.

1 ~~(h)(g)~~ Individuals permitted under this Rule shall submit a report to the Wildlife Resources Commission within 15
2 days following the date of permit expiration. The report shall contain the numbers of each species held under the
3 permit and the use or disposition thereof.

4 (h) Any individual engaged in the purchased transportation and sale of more than 100 snapping turtles is required to
5 have a possession permit. Permitted individuals shall submit the numbers of snapping turtles taken under the permit
6 and the use or disposition thereof to the Wildlife Resources Commission within 15 days of permit expiration.

7
8 *History Note: Authority G.S. 113-274(c)(1c);*

9 *Eff. May 1, 2007;*

10 *Amended Eff. May 1, 2009;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *6, 2016;*

13 *Amended Eff. August 1, 2022; November 1, 2019; August 1, 2017.*

1 15A NCAC 10H .1402 is amended with changes as published in 36:11 NCR 941-944 as follows:

2
3 **15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION**

4 (a) A captivity license for rehabilitation shall be required for lawful possession of injured, crippled, or orphaned native
5 wild animals or wild birds for the purpose of providing short term care and eventual release into the animal's natural
6 habitat. A captivity license for rehabilitation shall not be issued for:

- 7 (1) ~~Endangered, endangered,~~ threatened, or special concern species as defined by 15A NCAC 10I .0100.
8 Rehabilitation of these species requires an endangered species permit from the Commission;
9 (2) ~~Domestic domestic~~ animals;
10 (3) ~~Feral feral~~ swine;
11 (4) ~~Nutria; nutria;~~
12 (5) ~~Coyote; coyote;~~
13 (6) ~~Adult adult~~ black bear; ~~or~~
14 (7) ~~Adult adult~~ white-tailed deer or ~~elk. elk;~~
15 (8) ~~[Nine-banded] nine-banded~~ armadillo; or
16 (9) ~~[Eggs] eggs of upland game birds.~~

17 (b) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- 18 (1) ~~As as~~ pets;
19 (2) ~~For for~~ education, exhibition, or scientific purposes, except as provided in Rule .1403 of this Section;
20 (3) ~~For for~~ dog training;
21 (4) ~~For for~~ hunting; or
22 (5) ~~Acquired acquired~~ unlawfully.

23 (c) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured,
24 crippled, or orphaned wild animals or wild birds, provided they are surrendered to a North Carolina licensed
25 veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

26 (d) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild
27 birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians
28 without a captivity license for rehabilitation may hold wild animals or wild birds until the animal is medically stable.
29 Once medically stable, the wild animal or wild bird shall be transferred to an individual possessing a captivity license
30 for rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wild
31 animals or wild birds shall have a valid captivity license for rehabilitation.

32 (e) Individuals applying for a captivity license for rehabilitation that have never held this license in North Carolina
33 or a similar license in another state shall be designated as an apprentice. The following requirements shall apply to an
34 apprentice license:

- 35 (1) On the application, the apprentice shall designate a mentor with a valid captivity license for
36 rehabilitation in NC, who has held that license for two or more years;

- 1 (2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a
2 licensed rehabilitator; and
- 3 (3) An apprentice license shall only authorize the possession of squirrels, rabbits, and opossums.
- 4 (f) Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements,
5 including those in G.S. 113-272.5 and all applicable rules of this Section. Individuals seeking to rehabilitate migratory
6 birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird
7 Rehabilitation permit for each category of migratory birds to be rehabilitated. The Commission shall state on the
8 captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to
9 possess.
- 10 (g) Required facilities.
- 11 (1) Individuals holding a captivity license for rehabilitation shall conduct their rehabilitation activities
12 at the facility designated on their license that meets the minimum standards set forth in the "Miller,
13 E.A., edition. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife
14 Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is
15 hereby incorporated by reference, excluding subsequent amendments and editions, and is available
16 at no cost at http://www.nwrawildlife.org/page/Minimum_Standards.
- 17 (2) All wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic
18 animals, livestock, and non-native animals.
- 19 (3) All wild animals shall be kept in separate enclosures by species.
- 20 (4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment,
21 and rehabilitation.
- 22 (5) Handling of animals shall be for treatment only.
- 23 (h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be
24 euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.
- 25 (i) Release of rehabilitated wild animals and wild birds.
- 26 (1) All rehabilitated wild animals and wild birds shall be released as soon as the animal can be expected
27 to survive in the wild or has attained full recovery from illness or injury, as determined by the
28 rehabilitator or a North Carolina licensed veterinarian.
- 29 (2) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If
30 a longer rehabilitation period is needed, the license holder shall notify the Commission in writing.
31 The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which
32 may include the nature of the animal's condition and recommended treatment plan.
- 33 (3) Wild animals and wild birds shall not be released on property owned by another unless the
34 rehabilitator has written permission dated within the last 12 months from the landowner.
- 35 (4) Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized.
36 However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case
37 basis when written authorization is requested from the Commission. The wild animal or wild bird

shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.

(j) Transfer of Animals.

- (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.
- (2) Wild animals received for rehabilitation may not be exported outside the State for the purpose of rehabilitation or release after rehabilitation unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.
- (3) It shall be unlawful for a license holder to sell any wild animal or wild bird being held under a license for rehabilitation.
- (4) It shall be lawful for a license holder to transfer a wild animal or wild bird to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species or a wild bird to another individual with a valid permit for the given species.

(k) White-tailed Deer Fawn.

- (1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may possess, rehabilitate, and release white-tailed deer fawns. To become licensed to rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.
- (2) No white-tailed deer fawn shall be possessed until the applicant has constructed or acquired an enclosure for keeping fawn that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.
- (3) Any white-tailed deer fawn held for more than 48 hours shall be permanently tagged using only Commission-provided tags.
- (4) Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer fawns shall be held for no longer than 180 days or until December 31, whichever occurs first. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis. A fawn shall be considered an adult on December 31 of the birth year.
- (5) Records of all white-tail deer fawn rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license.
- (6) Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn on properties licensed for farmed cervids.

(l) Elk Calves.

- (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate elk calves.

- (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual shall meet all the requirements of the captivity license for rehabilitation.
- (3) Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-provided tags.
- (4) Any individual or facility with the elk calf category may not rehabilitate elk calves on properties licensed for farmed cervids.
- (5) No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.
- (6) Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license

(m) Black Bear Cubs.

- (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.
- (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear category. To become licensed to rehabilitate black bear cubs, an individual shall meet all the requirements of the captivity license for rehabilitation.
- (2) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

- (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may possess, rehabilitate, or release rabies species. To become licensed to rehabilitate rabies species, an individual shall meet all requirements of the general captivity license for rehabilitation and shall:
 - (A) have held an active rehabilitation license within or outside of the State for at least the previous three years and have rehabilitated during that time;
 - (B) certify 12 hours of rabies or rabies species-specific training or a combination thereof;
 - (C) certify up-to-date rabies immunization in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any rehabilitator, staff member or volunteer, who may come in contact with rabies species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;
 - (D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical

- 1 treatment to the rabies species. Contact information for the veterinarian shall be posted at
2 the facility where the rabies species are being rehabilitated;
- 3 (E) certify notification to the appropriate animal control authority and local health department
4 prior to making application to the Commission, to inform them of their anticipated
5 activities and location. Contact information for these agencies shall be posted at the facility
6 where the rabies species are being rehabilitated.
- 7 (F) have separate facilities from non-rabies species adequate for the species to be rehabilitated.
8 Enclosures within the facility shall prevent escape of the animal and exposure to people,
9 pets, livestock, and other captive or free-ranging wildlife. Exterior caging shall be locked
10 and surrounded by double fencing or a solid wall barrier; and
- 11 (G) coordinate with appropriate local health department regarding euthanasia and testing of
12 rabies species. A written protocol for testing shall be posted at the facility and made
13 available for inspection by the Commission upon request.
- 14 (2) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the
15 United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies
16 Vaccination (ORV) program is conducted, as specified by the United States Department of
17 Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.
- 18 (3) Except as otherwise specified in this Section, rabies species shall not be removed from their
19 containment except for treatment, release, maintenance of the enclosure, or euthanasia.
- 20 (4) Rehabilitated rabies species must be released in either the county where they were rehabilitated or
21 the county where they were found.
- 22 (5) All rabies species shall be considered potentially infected with the rabies virus. If any human or
23 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain
24 and spinal cord, or brain and spinal cord material from any rabies species, the license holder shall
25 contact the local Health Department immediately to report the incident. The local Health
26 Department may require euthanasia of the animal and submission of the brain for rabies testing.
27 Rehabilitators shall abide by all requests made by authorized public health department personnel,
28 animal control, or Commission personnel regarding disposition of the animal. No rabies species that
29 has scratched or bitten a human or domestic animal or dies in captivity can be released or disposed
30 of until the local Health Department investigates the situation to determine if testing is necessary.
- 31 (6) Records of all rabies species rehabilitation shall be maintained on a form, as described in Rule .1406
32 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior
33 to the request for reissuance of the license.

34
35 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
36 *Eff. January 1, 2020.*
37 *Amended Eff. May 1, 2022.*

1 15A NCAC 10A .1601 is amended with changes as published in 36:11 NCR 901-903 as follows:

2
3 **15A NCAC 10A .1601 LICENSE FEES.**

4 (a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-
5 270.1B(e).

6 (b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as
7 set forth in G.S. 113-270.1C:

- 8 (1) Resident Annual Combination Hunting and Inland Fishing License - \$35.00.
- 9 (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$11.00.
- 10 (3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$11.00.

11 (c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

- 12 (1) Annual Sportsman License - \$53.00.
- 13 (2) Infant Lifetime Sportsman License - \$212.00.
- 14 (3) Youth Lifetime Sportsman License - \$371.00.
- 15 (4) Adult Resident Lifetime Sportsman License - \$530.00.
- 16 (5) Nonresident Lifetime Sportsman License - \$1,272.00.
- 17 ~~(6) Resident Age 50-69 Lifetime Sportsman License - \$265.00.~~
- 18 (6) ~~(7)~~ Age 70 Resident Lifetime Sportsman License - \$16.00.
- 19 (7) ~~(8)~~ Resident Disabled Veteran Lifetime Sportsman License - \$106.00.
- 20 (8) ~~(9)~~ Resident Totally Disabled Lifetime Sportsman License - \$106.00.

21 (d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

- 22 (1) Resident State Hunting License - \$25.00.
- 23 (2) Lifetime Resident Comprehensive Hunting License - \$265.00.
- 24 (3) Controlled Hunting Preserve Hunting License - \$22.00.
- 25 (4) Resident Annual Comprehensive Hunting License - \$39.00.
- 26 (5) Nonresident State Hunting Licenses:
 - 27 (A) Season License - \$100.00.
 - 28 (B) Ten-Day License - \$80.00.
- 29 (6) Falconry Hunting License - \$25.00.

30 (e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-
31 270.3:

- 32 (1) Resident Big Game Hunting License - \$14.00.
- 33 (2) Nonresident Bear Hunting License - \$239.00.
- 34 (3) Bear Management Stamp - \$11.00.
- 35 (4) Nonresident Big Game Hunting License:
 - 36 (A) Season License - \$100.00.
 - 37 (B) Ten-Day License - \$80.00.

- (5) Bonus Antlerless Deer License - \$11.00.
- (6) Game Land License - \$16.00.
- (7) Falconry License - \$11.00.
- (8) Migratory Waterfowl Hunting License - \$14.00.
- (9) Resident American Alligator License - \$250.00.
- (10) Nonresident American Alligator License - \$500.00.
- (11) Resident Elk License - \$500.00.
- (12) Nonresident Elk License - \$1,000.00.
- (f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S. 113-270.4:
- (1) Resident Hunting and Fishing Guide License - \$16.00.
- (2) Nonresident Hunting and Fishing Guide License - \$159.00.
- (g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:
- (1) Resident State Trapping License - \$32.00.
- (2) Resident Lifetime Trapping License - \$300.00.
- (3) Nonresident State Trapping License - \$133.00.
- (h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the Commission, as set forth in G.S. 113-271:
- (1) Resident State Inland Fishing License - \$25.00.
- (2) Lifetime Resident Comprehensive Inland Fishing License - \$265.00.
- (3) Nonresident State Inland Fishing License - \$45.00.
- (4) Short-Term Inland Fishing License:
- (A) Resident 10-day Inland Fishing License - \$9.00.
- (B) Nonresident 10-day Inland Fishing License - \$23.00.
- (5) Age 70 Resident Lifetime Inland Fishing License - \$16.00.
- (6) Resident Disabled Veteran Lifetime Inland Fishing License - \$11.00.
- (7) Resident Totally Disabled Lifetime Inland Fishing License - \$11.00.
- (8) Special Landholder and Guest Fishing License - \$106.00.
- (9) Mountain Heritage Trout Waters 3-Day Fishing License - \$8.00.
- (i) The following shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:
- (1) Resident Special Device License - \$80.00.
- (2) Nonresident Special Device License - \$530.00.
- (j) The non-refundable fees fee for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be \$10.00.
- (k) The following non-refundable fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:
- (1) Captivity License for Holding - \$50.00.

- 1 (2) Captivity License for Rehabilitation - \$10.00.
- 2 (l) The following non-refundable fees shall apply to dealer licenses issued by the Commission as set forth in G.S.
- 3 113-273:
- 4 (1) Resident Fur-dealer License - \$64.00.
- 5 (2) Nonresident Fur-dealer License - \$318.00.
- 6 (3) Fur-dealer Station License - \$128.00.
- 7 (4) Controlled Hunting Preserve Operator License - \$100.00.
- 8 (5) Controlled Hunting Preserve Rabbit Operator License - \$25.00.
- 9 ~~(5)(6)~~ Game Bird Propagation License - \$10.00.
- 10 ~~(6)(7)~~ Furbearer Propagation License - \$27.00.
- 11 ~~(7)(8)~~ Taxidermy License - \$50.00.
- 12 ~~(8)(9)~~ Taxidermy Cervid Certification - \$5.00.
- 13 ~~(9)(10)~~ Wildlife Control Agent License - \$50.00.
- 14 (11) Wildlife Control Technician Certification-\$25.00
- 15 ~~(10)(11)~~ (12) Alligator Control Agent Certification - \$25.00.
- 16 (m) The following non-refundable fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:
- 17 (1) Possession Permit - \$10.00.
- 18 (2) Exportation or Importation Permit - \$10.00.
- 19 (3) Trophy Wildlife Sale Permit - \$10.00.
- 20 (4) Endangered Species Permit - \$10.00.
- 21 (5) Field Trial Permit - \$10.00.
- 22 (n) Unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:
- 23 (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - \$69.00.
- 24 (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - \$41.00.
- 25 (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
- 26 (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$292.00.
- 27 (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$477.00.
- 28 (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 29 \$716.00.
- 30 (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 31 \$1,643.00.
- 32 ~~(E)~~ [Resident Age 50-69 Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 33 \$358.00.]
- 34 ~~(E)~~ (F) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License -
- 35 \$32.00.
- 36 ~~(F)~~ (G) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing
- 37 License - \$117.00.

(G) ~~(H)~~ Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$117.00.

(4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$477.00.

(o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in G.S. 113-174.2:

(1) Annual Resident Coastal Recreational Fishing License - \$16.00.

(2) Annual Nonresident Coastal Recreational Fishing License - \$32.00.

(3) Ten-Day Resident Coastal Recreational Fishing License - \$6.00.

(4) Ten-Day Nonresident Coastal Recreational Fishing License - \$11.00.

(5) Infant Lifetime Coastal Recreational Fishing License - \$106.00.

(6) Youth Lifetime Coastal Recreational Fishing License - \$159.00.

(7) Resident Adult Lifetime Coastal Recreational Fishing License - \$265.00.

(8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$530.00.

(9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$16.00.

(10) Resident Disabled Veteran Coastal Recreational Fishing License - \$11.00.

(11) Resident Totally Disabled Coastal Recreational Fishing License - \$11.00.

*History Note: Authority G.S. 113-270.1B(e);
Temporary Adoption Eff. January 1, 2020;
Eff. July 1, 2020.
Amended Eff. May 1, 2022.*

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.

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

1 15A NCAC 10B .0101 is readopted as published in 36:11 NCR 903 as follows:

2
3 **15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS, ~~ANIMALS AND BIRDS~~ BIRDS, AND**
4 **NATIVE REPTILES AND AMPHIBIANS**

5 (a) Before any live wild bird, ~~bird or wild animal~~ animal, or any native reptile or amphibian, is imported into North
6 Carolina for any purpose, a permit shall be obtained from the Executive Director of the North Carolina Wildlife
7 Resources Commission authorizing the importation, using application forms provided by the Commission.

8 ~~(b) Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a~~
9 ~~herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years and has been managed~~
10 ~~using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC~~
11 ~~10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have~~
12 ~~CWD monitoring requirements that are at least as stringent as those described in this Rule, 15A NCAC 10H .0301~~
13 ~~and 15A NCAC 10H .0302. The originating individual U.S. or Mexican state's or territory's, Canadian province's or~~
14 ~~other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and~~
15 ~~Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North~~
16 ~~Carolina. There shall be no importation from individual U.S. or Mexican states or territories, Canadian provinces or~~
17 ~~other countries in which CWD has been detected, either in a wild herd or a captive herd.~~

18 ~~(c) Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife Resources~~
19 ~~Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.~~

20 ~~(d)~~(b) Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under
21 the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source birds
22 are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards within 30
23 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for inspection by
24 authorized Commission personnel upon request.

25
26 *History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;*

27 *Eff. February 1, 1976;*

28 *Temporary Amendment Eff. October 8, 2002; May 17, 2002;*

29 *Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.*

30 *Readopted Eff. August 1, 2022.*
31
32

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.

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

Also in Subparagraph (d), what type of permit is being referenced? Please add specificity to “permit”.

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

1 15A NCAC 10B .0105 is readopted as published in 36:11 NCR 903-904 as follows:

2
3 **15A NCAC 10B .0105 MIGRATORY GAME BIRDS**

4 (a) Cooperative State Rules:

5 (1) ~~The taking of sea ducks (scoter, eider and old squaw) during any federally announced season for~~
6 ~~only these species shall be limited to the~~ The waters of the Atlantic Ocean, and to those coastal
7 waters south of US 64 that are separated by a distance of at least 800 yards of open water from any
8 shore, island or marsh. Marsh are designated as a special hunting area for the taking of sea ducks
9 (scoter, eider, and long-tailed duck) as referenced by the Federal frameworks calling for state rules
10 designating these special areas.

11 (2) Tundra swans may be taken during the open season by permit only subject to annual limitations
12 imposed by the U.S. Fish and Wildlife Service. Based upon the annual limitations imposed by the
13 U.S. Fish and Wildlife Service, the Wildlife Resources Commission shall issue nontransferable
14 swan permits to applicants who will be selected at random by computer. Only one swan ~~may~~ shall
15 be taken under each permit which shall be cancelled at the time of the kill by cutting out the month
16 and day of the kill. Accompanying the permit is a tag which must be affixed to the swan at the time
17 and place of the kill. The tag must be affixed in accordance with instructions provided with the
18 permit. In addition, a preaddressed post-paid card is supplied to each permittee on which to report
19 the number of days hunted and the details of the kill if made. ~~It is unlawful to hunt~~ Hunting swans
20 without having the permit and the tag in possession or to possess a swan without the cancelled permit
21 in possession and the tag affixed in accordance with instructions provided with the permit to the
22 ~~swan. swan is prohibited. It is unlawful to possess~~ Possessing a swan permit or tag while hunting
23 that was assigned to another person or to alter the permit or tag in any way other than cutting out
24 the proper month and day of ~~kill. kill is prohibited.~~

25 (b) Notwithstanding the provisions of G.S. 113-291.1(a) and (b), the following restrictions apply to the taking of
26 migratory game birds:

27 (1) No migratory game bird may be taken:

28 (A) With a rifle;

29 (B) With a shotgun of any description capable of holding more than three shells, unless it is
30 plugged with a one-piece filler, incapable of removal without disassembling the gun, ~~so as~~
31 to limit its total capacity to not more than three shells.

32 ~~(2) No migratory game bird may be taken:~~

33 ~~(A)~~ (C) From or by the use of a sinkbox or any other type of low floating device affording the
34 hunter a means of concealment beneath the surface of the water;

35 ~~(B)~~ (D) With the aid of bait, or on, over, or within 300 yards of any place where any grain, salt or
36 other feed is exposed so as to constitute an attraction to migratory game birds or has been
37 so exposed during any of the 10 consecutive days preceding the taking, except that this

Part shall not apply to standing crops, flooded croplands, grain crops shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;

~~(C)~~ (E) With the aid of live decoys, or on, over or within 300 yards of any place where tame or captive migratory game birds are present, unless such birds are and have been for a period of 10 consecutive days prior to such taking confined within an enclosure which eliminates the audibility of their calls and totally conceals them from the sight of wild migratory game birds.

~~(3)~~ (2) Crippled waterfowl may be taken from a motorboat under power in those areas described, delineated, and designated as special sea duck hunting areas in Subparagraph (a)(1) of this Rule.

(4) ~~Waterfowl hunting and harassment and other unauthorized activities is prohibited on posted waterfowl management areas established by the Wildlife Resources Commission for Canada Geese and ducks restoration. Information on impoundments can be found at newildlife.org.~~

~~(5)~~ (3) In that area of Roanoke Sound adjacent to and immediately Northeast of Roanoke Island as marked by buoys designating the waterfowl rest area, it is unlawful to harass or take any waterfowl.

~~(6)~~ (4) The area east of US 17 is designated as ~~a an experimental~~ September teal season zone as referenced by the Federal frameworks calling for state rules designating ~~experimental areas~~. these zones.

(c) ~~Reporting Requirements:~~ For tundra swan and Canada goose seasons where a permit is required to hunt by Memorandum of Agreement with the U.S. Fish & Wildlife Service, hunter questionnaires shall be completed online at www.ncwildlife.org, or on the Commission-supplied, supplied on preaddressed, postage-paid ~~cards~~ cards. Questionnaires shall be completed by or returned to the Commission and postmarked no later than April 1 following the end of the applicable season. ~~Failure to return the questionnaire and animal parts, if required, by this date shall make the individual ineligible to receive a permit for the following applicable season. In lieu of returning a hard copy, individuals may fill out a questionnaire on line through the Wildlife Commission web site at newildlife.org when this option is available by April 1 following the end of the applicable season.~~

(d) Failure to return the questionnaire and any required animal parts, by this date shall make the individual ineligible to receive a permit for the following applicable season.

History Note: Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2; 50 C.F.R. 20.21; 50 C.F.R. 20.105; Eff. February 1, 1976; Amended Eff. July 1, 1995; April 1, 1992; February 1, 1990; September 1, 1989; Temporary Amendment Eff. September 10, 1998; Amended Eff. August 1, 2015; May 1, 2007; June 1, 2005; May 1, 2004; July 1, 2000; Readopted Eff. August 1, 2022.

1 15A NCAC 10B .0111 is readopted as a repeal as published in 36:11 NCR 904 as follows:

2
3 **15A NCAC 10B .0111 RESTRICTIONS ON RACCOON AND OPOSSUM HUNTING**

4
5 *History Note: Authority G.S. 113-134; 113-291.1;*

6 *Eff. February 1, 1976;*

7 *Amended Eff. August 1, 1981; August 1, 1979; August 1, 1978; August 1, 1977.*

8 *Repealed Eff. August 1, 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".

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

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

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".

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.

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

1 15A NCAC 10B .0119 is readopted with changes as published in 36:11 NCR 905-906 as follows:

2
3 **15A NCAC 10B .0119 WILDLIFE COLLECTORS**

4 ~~(a) Collection Licenses. The Executive Director may license qualified individuals to take or collect any species of~~
5 ~~wildlife resources except that endangered, threatened, and special concern species may not be taken or collected except~~
6 ~~under a special permit issued by the Executive Director for research purposes, unless there is an open season for the~~
7 ~~species. If an open season exists for the species, then the appropriate hunting, fishing, or trapping license serves as the~~
8 ~~authorization for take. This Rule shall not prohibit an individual from killing an endangered, threatened, or special~~
9 ~~concern species in defense of his own life or the lives of others without a permit. Individuals who annually collect~~
10 ~~fewer than five reptiles or fewer than 25 amphibians that are not on the endangered, threatened, or special concern~~
11 ~~lists shall be exempted from this license requirement, except snapping turtles (*Chelydra serpentina*) less than 11 inches~~
12 ~~(curved carapace length) shall not be collected at all. The license shall be issued upon payment of a fee in accordance~~
13 ~~with G.S. 113-272.4, except that licenses shall be issued to representatives of educational or scientific institutions or~~
14 ~~of governmental agencies without charge. The license shall be used in lieu of any other hunting or trapping license~~
15 ~~required by law and shall authorize possession and transportation of the wildlife incidental to the authorized taking,~~
16 ~~except that it shall not authorize the taking, possession, or transportation of any species of wildlife in violation of the~~
17 ~~Endangered Species Act, the Migratory Bird Treaty Act, The Bald and Golden Eagle Protection Act or any other~~
18 ~~federal act to prohibit or restrict the possession and transportation of wildlife resources.~~

19 ~~(b) Limits on collection. Individuals shall collect no more than 10 turtles from the family Chelydridae (snapping~~
20 ~~turtles) per day and no more than 100 per calendar and these turtles shall have a curved carapace length greater than~~
21 ~~11 inches. Individuals shall collect no more than 10 turtles from the family Kinosternidae (mud and musk turtles) per~~
22 ~~day and no more than 100 per calendar year.~~

23 ~~(c) Qualifications of Licensees. In addition to representatives of educational and scientific institutions and~~
24 ~~governmental agencies, the collection license may be issued to any individual for any purpose when it is not deemed~~
25 ~~inimical to the efficient conservation of the species to be collected or to some other wildlife species that may be~~
26 ~~dependent thereon.~~

27 ~~(d) Methods of Taking. The manner of taking wildlife resources under a collection license may be specified by the~~
28 ~~Executive Director pursuant to G.S. 113-272.4(d) and need not be restricted to the usual methods of hunting or~~
29 ~~trapping.~~

30 ~~(e) Term of License. The Executive Director may, pursuant to G.S. 113-272.4(e), impose time limits and other~~
31 ~~restrictions on the duration of any collection license, but unless so restricted the license shall be valid from January 1~~
32 ~~through December 31 of the applicable year.~~

33 ~~(f) Report of Collecting Activity. Each individual licensed under this Rule shall submit a report to the Wildlife~~
34 ~~Resources Commission within 15 days following the date of expiration of the license. The report shall show the~~
35 ~~numbers of each species taken under the license and the use or disposition thereof. The Executive Director may require~~
36 ~~additional information for statistical purposes such as the dates and places of the taking and the sex, size, weight,~~
37 ~~condition, and approximate age of each specimen taken.~~

1 ~~(g) Other Requirements and Restrictions. The Executive Director may, pursuant to G.S. 113-272.4(d), impose such~~
2 ~~other requirements and restrictions on persons licensed under this Rule as he may deem to be necessary to the efficient~~
3 ~~administration of the wildlife conservation statutes and rules.~~

4 (a) Wildlife Collection Licenses may be issued to qualified individuals [as defined in G.S. 113-130] to take any species
5 of wildlife resources for the following purposes:

- 6 (1) scientific collection;
- 7 (2) educational collection; or
- 8 (3) snapping turtle collection.

9 (b) The following definitions shall apply to this Rule:

- 10 (1) “Scientific Collection” shall mean collection for the purpose of conducting scientific research or
11 survey.
- 12 (2) “Educational Collection” means collection for the purpose of providing instruction, training, or
13 information to the public.
- 14 (3) “Snapping Turtle Collection” means collection of snapping turtles from the family *Chelydridae* for
15 sale pursuant to 10H .1301.
- 16 (4) “Personal Use” means collection and holding, using as bait, or personal consumption of reptiles or
17 amphibians.

18 (c) The Commission shall consider the following qualifications when issuing a license:

- 19 (1) prior research or educational experience in the same or similar field;
- 20 (2) work with or for an educational institution;
- 21 (3) type of study requested of license (permanent or catch and release);
- 22 (4) current state and quantity of species requested;
- 23 (5) collection methodology proposed; and
- 24 (6) disposition of collection.

25 (d) Individuals collecting and holding reptiles or amphibians for personal use shall not be required to obtain a Wildlife
26 Collection License so long as the following conditions are met:

- 27 (1) no more than 4 individuals of native reptile species or 24 individuals of any combination of
28 amphibian species [per physical address] per person; [except for snapping turtles listed in Paragraph
29 (i);]
- 30 (2) collected reptiles and amphibians shall not be bought or sold; and
- 31 (3) no endangered, threatened, or special concern species shall be collected and retained.

32 (e) Endangered, threatened, and special concern species may not be taken or collected except under an endangered
33 species permit unless there is an open season for the species. If an open season exists for the species, then the
34 appropriate hunting, fishing, or trapping license serves as the authorization for take.

35 (f) Wildlife Collection licenses may be issued to any individual, so long as the take is not deemed harmful to the
36 efficient conservation of the species to be collected or to other wildlife species that may be dependent thereon.

(g) Individuals interested in obtaining a Wildlife Collection License shall apply by sending an application to 1701 Varsity Drive, Raleigh, NC 27606 or by completing and submitting submitting an application online at www.ncwildlife.org. Information required by the applicant shall include

(1) name, address, date of birth, email, and driver's license number; and

(2) species information.

(3) Additional information required for scientific and educational collection shall include:

(A) organizational affiliation, if any; and

(B) full documentation of research or educational proposal(s) and Institutional Animal Care and Use Committee approval, if applicable.

(h) Wildlife Collection Licenses shall be used in lieu of any other hunting or trapping license required by law and shall authorize possession and transportation of the wildlife incidental to the authorized taking. It shall not authorize the taking, possession, or transportation of any species of wildlife in violation of the Endangered Species Act, the Migratory Bird Treaty Act, The Bald and Golden Eagle Protection Act or any other federal act to prohibit or restrict the possession and transportation of wildlife resources.

(i) Wildlife Collection Licenses for snapping turtle collection shall only be available to North Carolina residents. The following conditions shall apply:

~~[(1) — collection shall occur from June 1 through September 30;]~~

~~[(2)](1)~~ no more than 10 snapping turtles per physical address person per day;

~~[(3)](2)~~ no more than 100 snapping turtles per physical address person per season; calendar year;

~~[(4)](3)~~ turtles shall have a minimum curved carapace length of 13 inches; and

~~[(5)](4)~~ no more than ~~[40]~~ 15 trapping devices per license. Devices shall be:

(A) Labeled with a waterproof tag that shows the licensee's name, WRC Customer Number, or Wildlife Collection License number.

(B) Hoop traps or other trap style that allows for the unharmed release of any nontarget species or snapping turtles less than 13 inches.

(C) Checked daily per 15A NCAC 10B .0110.

(j) Unless a more limited duration is designated on the license, Wildlife Collection Licenses shall be valid from January 1 through December 31 of the applicable year.

(k) Licensed individuals shall submit the following information to the Wildlife Resources Commission within 15 days of license expiration depending on the species taken:

(1) the numbers of each species taken under the license and the use or disposition thereof;

(2) dates and location of the taking; and

(3) sex, size, weight, condition, or approximate age of each specimen taken as specified on the license.

(l) Wildlife Collections License shall not be transferable either by license holder or by site of a facility.

(m) The Executive Director or his or her designee may, pursuant to G.S. 113-272.4(d), require further restrictions or conditions on individuals licensed under this Rule as he or she deems necessary to the efficient administration of the wildlife conservation statutes and rules.

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History Note: Authority G.S. 113-134; 113-272.4;
Eff. January 1, 1981;
Amended Eff. August 1, 2017; January 1, 2013; May 1, 2009; May 1, 2008; April 1, 2001; February
1, 1994; November 1, 1990; September 1, 1989;
Readopted Eff. August 1, 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.

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

In Paragraph (c), please remove each “(s)”.

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

15A NCAC 10B .0123 is readopted as published with changes in 36:11 NCR 906-907 as follows:

15A NCAC 10B .0123 LIMITATIONS ON CERTAIN EXOTIC SPECIES

~~(a) Except as provided in this Rule, it shall be unlawful to import, transport, export, purchase, possess, sell, transfer, or release into public or private waters or lands of the State, any live specimen(s) of Tongueless or African Clawed Frog (*Xenopus* spp.), Brown Anole (*Anolis sagrei*), Cuban Treefrog (*Osteopilus septentrionalis*), any Asian Newts (genera *Cynops*, *Pachytriton*, *Paramesotriton*, *Laotriton*, *Tylotriton*), or Red-eared Slider (*Trachemys scripta elegans*).~~

(a) Except as provided in this Rule, it shall be unlawful to import, transport, export, purchase, possess, sell, transfer, or release into public or private waters or lands of the State, any live specimen(s) of

(1) Tongueless or African Clawed Frog (*Xenopus* spp.);

(2) Brown Anole (*Anolis sagrei*);

(3) Cuban Treefrog (*Osteopilus septentrionalis*);

(4) Asian Newts (genera *Cynops*, *Pachytriton*, *Paramesotriton*, *Laotriton*, *Tylotriton*);

(5) Red-eared Slider (*Trachemys scripta elegans*);

(6) ~~[Tegu (genera *Salvator* and *Tupinambis*);~~ Argentine Black and White Tegu (*Salvator merianae* or *Tupinambis merianae*); or

(7) Greenhouse Frog (*Eleutherodactylus planirostris*).

(b) The North Carolina Wildlife Resources Commission may by permit authorize importation, transportation, exportation, purchase, possession, sale, or transfer of any species in this Rule by the following entities, subject to the specified limitations:

(1) Retail and Wholesale Establishments. Importation, possession, sale, transfer, transportation, and exportation of these species within North Carolina, by retail and wholesale establishments whose primary business is providing scientific supplies for research, shall be allowed by permit, provided the following conditions are met:

(A) the application for a permit shall be in writing and include plans for holding, transportation, advertisement, and sale to allow a determination of the safeguards employed to prevent accidental escape and sales to unauthorized individuals;

(B) in-State sale or transfer is allowed only to agencies, entities, and institutions listed in Subparagraph (2) of this Paragraph;

(C) exportation shall comply with all applicable rules and regulations of the importing state;

(D) all specimens shall be possessed in indoor facilities; and

(E) transportation of specimens shall employ safeguards that prevent accidental escape.

(2) Government Agencies and Research Institutions. Purchase, importation, possession, transfer, transportation, and exportation of these species within North Carolina shall be allowed by permitted State and federal governmental agencies, corporate research entities, and research institutions, provided the following conditions are met:

- 1 (A) the application for a permit shall be in writing and include plans for holding, transportation,
2 final disposition, and safeguards to prevent accidental escape;
3 (B) exportation shall comply with all applicable rules and regulations of the importing state;
4 (C) all specimens shall be possessed in indoor facilities;
5 (D) transportation of specimens shall employ safeguards that prevent accidental escape; and
6 (E) the agency's, entity's, or institution's Animal Use and Care Committee has approved the
7 research protocol for these species.

8 (c) Notwithstanding Paragraph (a) of this Rule, it shall be lawful for private individuals in possession of a live
9 specimen(s) of Red-eared Slider(s)(*Trachemys scripta elegans*) prior to August 1, 2018, to retain, transport, transfer,
10 or export the animal(s) in their possession. Notwithstanding Paragraph (a) of this Rule, it shall be lawful for private
11 individuals in possession of a live specimen(s) [of Tegu(s) (genera *Salvator* and *Tupinambis*)] *Argentine Black and*
12 *White Tegu(s) (Salvator merianae and Tupinambis merianae)* prior to August 1, 2022, to retain, transport, transfer, or
13 export the animal(s) in their possession.

14 (d) Notwithstanding Paragraph (a) of this Rule, facilities open to the public for education may apply for a permit to
15 collect, receive, and possess ~~Red-eared Slider(s).~~ any of the species listed in Paragraph (a).

16
17 *History Note: Authority G.S. 113-134; 113-274; 113-292;*
18 *Eff. February 1, 1994;*
19 *Amended Eff. August 1, 2018; April 1, 1997.*
20 *Readopted Eff. August 1, 2022.*
21

1 15A NCAC 10B .0203 is readopted as published in 36:11 NCR 907-910 as follows:

2
3 **15A NCAC 10B .0203 DEER (WHITE-TAILED)**

4 (a) Open Seasons (All Lawful Weapons) for hunting deer:

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
6 from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo
7 Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to
8 15A NCAC 10D ~~.0103~~ .0100 and .0200 for Deer With Visible Antlers seasons on these Game
9 Lands), during the following seasons:

10 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick,
11 Carteret, Columbus*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones,
12 Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson,
13 Scotland, Tyrrell, and Washington counties.

14 *Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

15 (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan,
16 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
17 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
18 Wilson counties.

19 (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe,
20 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
21 Surry, Watauga, Wilkes, and Yadkin counties.

22 (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
23 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
24 Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey
25 counties.

26 (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson,
27 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
28 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
29 counties.

30 (F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates,
31 and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those
32 parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National
33 Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National
34 Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River
35 National Wildlife Refuge; in those parts of Anson and Richmond counties known as the
36 Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the
37 Mackay Island National Wildlife Refuge.

- (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph (Refer to 15A NCAC 10D ~~.0103~~ .0100 and .0200 for either-sex deer seasons on Game Lands). Deer of either sex may be taken during the open season identified in Part (H) of this Subparagraph.
- (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
- (B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth either-sex deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.
- (D) The first open Saturday of the Deer with Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.
- *Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
- (E) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in all of Avery, Burke, Caldwell, McDowell, Mitchell, and Yancey counties.

- 1 (F) The first open day of the Deer with Visible Antlers season described in Subparagraph (a)(1)
2 of this Rule through the second Friday thereafter in all of Cleveland, Polk, and Rutherford
3 counties.
- 4 (G) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1)
5 of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and
6 Gaston counties and in the following parts of counties: Buncombe: That part east of NC
7 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC
8 280; and Henderson: That part east of NC 191 and north and west of NC 280.
- 9 (H) The fourth Saturday in September in all counties, subject to the following restriction: only
10 persons under the age of 18 years may hunt.

11 (b) Open Seasons (Archery) for hunting deer:

- 12 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
13 limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the
14 following seasons:

- 15 (A) Saturday on or nearest September 10 through the day immediately preceding the first open
16 day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1)
17 of this Rule; and the Sunday immediately following the closing of blackpowder firearms
18 and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before
19 Thanksgiving in the counties and parts of counties having the open seasons for Deer With
20 Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson
21 Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC
22 10D ~~.0103~~ .0100 and .0200 for Archery seasons on these Game Lands).
- 23 (B) Sunday immediately following the closing of the open season for Deer With Visible
24 Antlers through January 1 in the counties and parts of counties having the open season for
25 Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

26 (2) Restrictions

- 27 (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as
28 provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery
29 season, except a single dog on a leash may be used to retrieve a dead or wounded deer in
30 accordance with G.S. 113-291.1(k).
- 31 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
32 may be used during the archery deer hunting season.
- 33 (C) Deer of either sex may be taken during archery seasons specified by Part (b)(1)(A) of this
34 Rule.
- 35 (D) Only deer with antlers or spikes protruding through the skin, as distinguished from knobs
36 or buttons covered by skin or velvet, shall be taken during the archery season specified by
37 Part (b)(1)(B) of this Rule.

1 (c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:

2 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be
3 taken only with blackpowder firearms and archery equipment during the following seasons:

4 (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described
5 in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter
6 except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South
7 Mountains Game Lands (Refer to 15A NCAC 10D .0103, .0100 and .0200 for Blackpowder
8 Firearms and Archery seasons on these Game Lands):

9 (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and
10 parts of counties having the open seasons for Deer With Visible Antlers specified by Part
11 (a)(1)(D) of this Rule.

12 (2) Restrictions

13 (A) Deer of either sex may be taken during blackpowder firearms and archery season in any
14 county or county part set forth in Part (a)(2)(E), (F), or (G) of this Rule that has either-sex
15 days for all lawful weapons. ~~weapons and in the following counties: Polk, Rutherford,~~
16 ~~McDowell, Burke, Caldwell, and Cleveland. Deer of either sex may be taken on the first~~
17 ~~Saturday day of this season only in all other counties.~~

18 (B) Deer of either sex may be taken during the first open day of the blackpowder firearms and
19 archery season thru the first Saturday thereafter in any county or county part set forth in
20 Part (a)(2)(D) of this Rule

21 (C) Deer of either sex may be taken on the first open Saturday of the blackpowder firearms
22 and archery season in any county or county part not set forth in Part (a)(2) of this Rule.

23 ~~(B)(D)~~ In the areas of the State where the Commission is authorized to regulate the use of dogs as
24 provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder
25 firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead
26 or wounded deer in accordance with G.S. 113-291.1(k).

27 (3) As used in this Rule, "blackpowder firearms" means Any firearm - including any firearm with a
28 matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before
29 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not
30 designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any
31 muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that
32 is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the
33 muzzle, cylinder, or breech and that cannot use fixed ammunition.

34 (d) Open Season (Urban Season) for hunting deer:

35 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
36 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in
37 participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following

January 1 through the sixth Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.

- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the urban season shall apply.

- (3) Restrictions:

(A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).

(B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. The possession and season limit is six deer, two of which may be deer with visible antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;

Temporary Amendment Eff. July 1, 2002; July 1, 2001;

1 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
2 *Temporary Amendment Eff. June 1, 2003;*
3 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
4 *2003);*
5 *Amended Eff. August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015;*
6 *August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010; June 1, 2008; May*
7 *1, 2007; May 1, 2006; June 1, 2005.*
8 *Readopted Eff. August 1, 2022.*

1 15A NCAC 10B .0205 is readopted as published in 36:11 NCR 910 as follows:

2
3 **15A NCAC 10B .0205 RACCOON AND OPOSSUM**

4 (a) ~~Open Season:~~ The open season for taking raccoon and opossum ~~shall be~~ is from sunrise Monday on or nearest
5 October 15 through the last day of February.

6 (b) Bag Limits:

7 (1) The daily bag limit for raccoon is three and there are no season and no possession limits.

8 (2) There is no restriction on bag limits for opossum.

9 ~~Note: See 15A NCAC 10B .0111 prohibiting axes, saws and shooting in certain western counties.~~

10 (c) Axes or saws shall not be carried when raccoon or opossum hunting.

11
12
13 *History Note: Authority G.S. 113-134; 113-291.2;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;*

16 *Temporary Amendment Eff. July 1, 1999;*

17 *Amended Eff. May 1, 2008; May 1, 2007; July 1, 2000;*

18 *Readopted Eff. August 1, 2022.*
19
20

1 15A NCAC 10B .0206 is amended as published in 36:11 NCR 910 as follows:

2
3 **15A NCAC 10B .0206 SQUIRRELS**

4 ~~(a) Squirrel Open Seasons:~~

5 (1) ~~Gray and red squirrels may be taken by hunting on the Monday on or closest to October 15 to the~~
6 ~~last day of February.~~

7 (2) ~~Fox squirrels may be taken by hunting on the Monday on or nearest October 15 to January 31.~~

8 (a) The open season for gray and red squirrels is the Monday on or closest to October 15 through the last day of
9 February.

10 (b) The open season for fox squirrels is the Monday on or nearest October 15 through January 31.

11 (c) Except on game lands, gray squirrels may also be taken by hunting on the second Monday in May through the
12 fourth Monday in May.

13 ~~(b) Squirrel Bag Limits:~~

14 (1) ~~The daily bag limit for gray and red squirrels is eight and there are no season and no possession~~
15 ~~limits.~~

16 (2) ~~The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.~~

17 (d) The daily bag limit for gray and red squirrels is eight in aggregate and there are no season or possession limits.

18 (e) The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.

19
20 *History Note Authority G.S. 113-134; 113-291.2;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. August 1, 2022; August 1, 2013; August 1, 2010; May 1, 2009; May 1, 2008; May 1,*
23 *2006; July 1, 1995; July 1, 1987; July 1, 1986; July 1, 1985;*

24 *Readopted Eff. August 1, 2019.*
25

1 15A NCAC 10B .0402 is readopted as published in 36:11 NCR 910-911 as follows:

2
3 **15A NCAC 10B .0402 TAGGING FURS**

4 (a) Except as provided in Rule .0404 and .0405 of this Section, ~~it is unlawful to transport or to buy, buying, sell,~~
5 ~~selling, barter, bartering, trade, trading, or otherwise transfer transferring~~ possession or ownership of the carcass or
6 pelt of any bobcat, ~~otter~~ otter, or fox without having affixed to such carcass or pelt an individual tag provided by the
7 North Carolina Wildlife Resources ~~Commission. Commission is prohibited. Each such tag shall bear a serial number.~~
8 ~~When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this paragraph shall~~
9 ~~apply only to tagging foxes.~~

10 (b) ~~It is unlawful for any person to import~~ Importing into this State the carcass or pelt of any otter or bobcat ~~which~~
11 ~~that~~ has not been previously affixed with a tag required and supplied by the state ~~in which where~~ the animal was ~~taken.~~
12 ~~taken shall be prohibited. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and~~
13 ~~bobcat this Paragraph shall no longer apply.~~

14 (c) Foxes shall be tagged in accordance with G.S. 113-291.4.

15 (d) The carcasses or pelts of foxes lawfully taken and lawfully tagged may be sold, except those taken under a
16 depredation permit in any county where the sale of foxes or parts thereof is prohibited by local law.

17
18 *History Note: Authority G.S. 113-134; 113-273; 113-276.1; 50 C.F.R. 23; ~~87 Stat. 884;~~*

19 *Eff. November 14, 1978;*

20 *Amended Eff. August 1, 2010; August 1, 2004; January 1, 1992; October 11, 1980; October 1, 1980;*

21 *Readopted Eff. August 1, 2022.*

1 15A NCAC 10B .0403 is readopted with changes as published in 36:11 NCR 911 as follows:

2
3 **15A NCAC 10B .0403 APPLICATION FOR TAGS**

4 (a) Fur tags shall be ~~distributed~~ issued free of charge, excluding postage if applicable, by applying in person at 1751
5 Varsity Dr, Raleigh, NC 27606, over the phone, or by completing and submitting ~~in response to a request form to~~
6 ~~applications made on forms supplied by the Commission.~~ Commission online at www.ncwildlife.org.

7 (b) Fur tag requests shall include the following applicant information:

8 (1) ~~name;~~ name; telephone number, email address, and physical address;

9 (2) date of birth;

10 (3) physical address;

11 (4) type and quantity of tags requested; and

12 (5) telephone number, email address, and WRC Customer number, as applicable.

13 ~~(2)~~ [date of birth;]

14 ~~(3)~~ [WRC Customer number; and]

15 ~~(4)~~ [type and quantity of tags requested.]

16 (c) The following restrictions shall apply to fur tags:

17 (1) no more than 50 bobcat tags shall be issued per request;

18 (2) no more than 150 otter tags shall be issued per request; and

19 (3) fox tags may be limited in accordance with area, bag, possession, or season limits.

20
21 ~~(b) The fees to be charged for each fur tag are as follows:~~

22

Species	Fee
Bobcat	2.20
Otter	2.20

26 ~~(c) Foxes shall be tagged in accordance with G.S. 113-291.4(g). The carcasses or pelts of foxes lawfully taken and~~
27 ~~lawfully tagged in an area of open fox season, and those taken under a depredation permit, and those taken under a~~
28 ~~local law that permits foxes to be sold may be sold; provided that this Paragraph shall not authorize the sale of carcasses~~
29 ~~or pelts of foxes taken under a depredation permit in any county in which the sale of foxes or parts thereof is prohibited~~
30 ~~by local law.~~

31
32 *History Note: Authority G.S. 113-134; ~~113-270.1~~; 113-273; 113-276.1; 113-291.4;*

33 *Eff. November 14, 1978;*

34 *Amended Eff. April 1, 2003; January 1, 1992; August 1, 1988; July 1, 1988; July 1, 1984.*

35 *Readopted Eff. August 1, 2022.*

1 15A NCAC 10C .0205 is amended as published in 36:11 NCR 911-919 as follows:

2
3 **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

4 (a) For purposes of this Rule, the following definitions apply:

- 5 (1) "Natural bait" means any living or dead organism (plant or animal), or parts thereof, or prepared
6 substances designed to attract fish by the sense of taste or smell.
7 (2) "Single hook" means a fish hook with only one point.
8 (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by any substance that
9 attracts fish by the sense of taste or smell.
10 (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or any
11 similar material to which no additional hook, spinner, spoon or similar device is added.
12 (5) "Youth anglers" are individuals under 18 years of age.

13 (b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications apply:

- 14 (1) "Public Mountain Trout Waters" are all waters included in this Rule and so designated in 15A NCAC
15 10D .0104.
16 (2) "Catch and Release/Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters
17 where only artificial flies and lures having one single hook may be used. No trout may be possessed
18 or harvested while fishing these streams. Waters designated as such include tributaries unless
19 otherwise noted.
20 (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and
21 one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful
22 to possess natural bait, use more than one single hook on an artificial lure, or harvest or possess trout
23 while fishing. From 6:00 a.m. on the first Saturday in June until noon that same day, only youth
24 anglers may fish and these waters have no bait or lure restrictions. From noon on the first Saturday
25 in June until October 1, anglers of all ages may fish and these waters have no bait or lure restrictions.
26 Waters designated as such do not include tributaries unless otherwise noted.
27 (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure
28 restrictions. Waters designated as such do not include tributaries unless otherwise noted.
29 (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific
30 regulations apply. Waters designated as such do not include tributaries unless otherwise noted.
31 (6) "Wild Trout Waters" are Public Mountain Trout Waters which are identified as such in this Rule or
32 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person
33 shall possess natural bait while fishing these waters. Waters designated as such do not include
34 tributaries unless otherwise noted.
35 (7) "Wild Trout Waters/Natural Bait" are Public Mountain Trout Waters where all artificial lures and
36 natural baits, except live fish, may be used provided they are fished using only one single hook.
37 Waters designated as such include tributaries unless otherwise noted.

(8) "Undesignated Waters" are all other waters in the State. These waters have no bait or lure restrictions.

(c) Seasons, creel, and size limits. Seasons, creel, and size limits for trout in all waters are listed in Rule .0316 of this Subchapter.

(d) Classifications. This Paragraph designates waters in each county that have a specific classification. Waters on game lands are so designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. All other waters are classified as Undesignated Waters.

(1) Alleghany

(A) Delayed Harvest Trout Waters are as follows:

Little River (S.R. 1133 bridge to 275 yards downstream of the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank])

(B) Hatchery Supported Trout Waters are as follows:

Big Pine Creek

Bledsoe Creek

Brush Creek (N.C. 21 bridge to confluence with Little River, except where posted against trespassing)

Cranberry Creek

(Big) Glade Creek

Little River (275 yards downstream from the intersection of S.R. 1128 and S.R. 1129 [marked by a sign on each bank] to McCann Dam)

Meadow Fork

Pine Swamp Creek

Piney Fork

Prathers Creek

(C) Wild Trout Waters are as follows:

All waters located on Stone Mountain State Park

(2) Ashe County

(A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

Big Horse Creek (Virginia state line to Mud Creek at S.R. 1363, excluding tributaries)

(B) Delayed Harvest Trout Waters are as follows:

Big Horse Creek (S.R. 1324 bridge to North Fork New River)

Helton Creek ~~(SR 900 yards upstream of SR 1372 bridge~~ [marked by a sign on each bank]
to North Fork New River)

South Fork New River (upstream end of Todd Island to the SR 1351 bridge)

Trout Lake

(C) Hatchery Supported Trout Waters are as follows:

Beaver Creek (N.C. 221 to confluence of Beaver Creek and South Beaver Creek)

Big Horse Creek (Mud Creek at S.R. 1363 to S.R. 1324 bridge)
Big Laurel Creek (S.R. 1315 bridge to confluence with North Fork New River)
Buffalo Creek (S.R. 1133 bridge to N.C. 194-88 bridge)
Cranberry Creek (Alleghany Co. line to South Fork New River)
Nathans Creek
North Fork New River (Watauga Co. line to Sharp Dam)
Old Fields Creek (N.C. 221 to South Fork New River)
Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
Roan Creek
Three Top Creek

(3) Avery County

(A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

Elk River (portion on Lees-McRae College property, excluding the millpond)
Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
Wilson Creek (game land portion)

(B) Hatchery Supported Trout Waters are as follows:

Boyde Coffey Lake
Elk River (S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line)
Linville River (~~Land Harbor line [below dam]~~ S.R. 1504 to the Blue Ridge Parkway boundary line, except where posted against trespassing)
Milltimber Creek
North Toe River — upper (Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing)
North Toe River — lower (S.R. 1164 to Mitchell Co. line, except where posted against trespassing)
Squirrel Creek
Wildcat Lake

(C) Wild Trout Waters are as follows:

Birchfield Creek
Cow Camp Creek
Cranberry Creek (headwaters to U.S. 19E/N.C. 194 bridge)
Gragg Prong
Horse Creek
Kentucky Creek
North Harper Creek
Plumtree Creek

- 1 Roaring Creek
2 Rockhouse Creek
3 Shawneehaw Creek (portion adjacent to Banner Elk Greenway)
4 South Harper Creek
5 Webb Prong
6 (4) Buncombe County
7 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
8 Carter Creek (game land portion)
9 (B) Hatchery Supported Trout Waters are as follows:
10 Bent Creek (headwaters to N.C. Arboretum boundary line)
11 Cane Creek (headwaters to S.R. 3138 bridge)
12 Corner Rock Creek (Little Andy Creek to confluence with Walker Branch)
13 Dillingham Creek (Corner Rock Creek to Ivy Creek)
14 Ivy Creek (Ivy River)(Dillingham Creek to U.S. 19-23 bridge)
15 Lake Powhatan
16 Reems Creek (Sugar Camp Fork to U.S. 19-23 bridge, except where posted against
17 trespassing)
18 Rich Branch (downstream from the confluence with Rocky Branch)
19 Stony Creek
20 Swannanoa (S.R. 2702 bridge near Ridgecrest to Wood Avenue bridge [intersection of
21 N.C. 81 and U.S. 74A in Asheville], except where posted against trespassing)
22 (5) Burke County
23 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
24 Henry Fork (portion on South Mountains State Park)
25 (B) Delayed Harvest Trout Waters are as follows:
26 Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
27 (C) Hatchery Supported Trout Waters are as follows:
28 Carroll Creek (game land portion above S.R. 1405)
29 Henry Fork (lower South Mountain State Park line downstream to S.R. 1919 at Ivy Creek)
30 Linville River portion within Linville Gorge Wilderness area and portion below Lake
31 James powerhouse from upstream bridge on S.R. 1223 to Muddy Creek)
32 (D) Special Regulation Trout Waters are as follows:
33 Catawba River (Muddy Creek to City of Morganton water intake dam)
34 (E) Wild Trout Waters are as follows:
35 All waters located on South Mountains State Park, except those waters identified in Parts
36 A and B of this Subparagraph
37 (6) Caldwell County

- 1 (A) Delayed Harvest Trout Waters are as follows:
2 Wilson Creek (game land portion below Lost Cove Creek to Philips Branch)
- 3 (B) Hatchery Supported Trout Waters are as follows:
4 Boone Fork Pond
5 Buffalo Creek (mouth of Joes Creek to McCloud Branch)
6 Joes Creek (first falls upstream of S.R. 1574 to confluence with Buffalo Creek)
7 Wilson Creek (Phillips Branch to Brown Mountain Beach Dam, except where posted
8 against trespassing)
9 Yadkin River (Happy Valley Ruritan Community Park to S.R. 1515)
- 10 (C) Wild Trout Waters are as follows:
11 Buffalo Creek (Watauga Co. line to Long Ridge Branch including game land tributaries)
12 Joes Creek (Watauga Co. line to first falls upstream of the end of S.R. 1574)
13 Rockhouse Creek
- 14 (7) Cherokee County
- 15 (A) Hatchery Supported Trout Waters are as follows:
16 Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
17 Hyatt Creek (Big Dam Branch to Valley River)
18 Junaluska Creek (Ashturn Creek to Valley River)
19 Shuler Creek (Joe Brown Hwy [S.R. 1325] bridge to Tennessee state line)
20 Valley River (S.R. 1359 to U.S. 19 Business bridge in Murphy)
- 21 (B) Special Regulation Trout Waters are as follows:
22 Apalachia Reservoir
- 23 (C) Wild Trout Waters/Natural Bait are as follows:
24 Bald Creek (game land portion)
25 Dockery Creek (game land portion)
26 ~~North Shoal Creek (game land portion)~~
- 27 (8) Clay County
- 28 (A) Delayed Harvest Trout Waters are as follows:
29 Fires Creek (Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area)
- 30 (B) Hatchery Supported Trout Waters are as follows:
31 Buck Creek (game land portion downstream of U.S. 64 bridge)
32 Fires Creek (foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300)
33 Tusquitee Creek (Compass Creek to lower S.R. 1300 bridge)
- 34 (9) Graham County
- 35 (A) Delayed Harvest Trout Waters are as follows:
36 (Big) Snowbird Creek (USFS footbridge at the old railroad junction to USFS Rd. 2579)
- 37 (B) Hatchery Supported Trout Waters are as follows:

- 1 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
- 2 Cheoah Reservoir
- 3 Panther Creek (confluence of Stand Creek and Rock Creek to Lake Fontana)
- 4 Santeetlah Creek (Johns Branch to Lake Santeetlah)
- 5 (Big) Snowbird Creek (USFS Road 2579 to S.R. 1127 bridge)
- 6 Stecoah Creek (upper game land boundary to Lake Fontana)
- 7 Tulula Creek (S.R. 1201 to lower bridge on S.R. 1275)
- 8 West Buffalo Creek
- 9 Yellow Creek (Lake Santeetlah hydropower pipeline to Cheoah River)
- 10 (C) Wild Trout Waters are as follows:
- 11 Little Buffalo Creek
- 12 South Fork Squally Creek
- 13 Squally Creek
- 14 (D) Wild Trout Waters/Natural Bait are as follows:
- 15 ~~Deep Creek~~
- 16 Long Creek (game land portion)
- 17 (10) Haywood County
- 18 (A) Delayed Harvest Trout Waters are as follows:
- 19 West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake
- 20 Logan)
- 21 (B) Hatchery Supported Trout Waters are as follows:
- 22 Cold Springs Creek (Fall Branch to Pigeon River)
- 23 Jonathan Creek (upstream S.R. 1302 bridge to Pigeon River, except where posted against
- 24 trespassing)
- 25 Pigeon River (Stamey Cove Branch to upstream U.S. 19-23 bridge)
- 26 Richland Creek (Russ Avenue [U.S. 276] bridge to U.S. 19 bridge)
- 27 West Fork Pigeon River (Tom Creek to Queen Creek, including portions on game lands,
- 28 except Middle Prong)
- 29 (C) Wild Trout Waters/Natural Bait are as follows:
- 30 Hurricane Creek
- 31 (11) Henderson County
- 32 (A) Delayed Harvest Trout Waters are as follows:
- 33 North Fork Mills River (game land portion below the Hendersonville watershed dam)
- 34 (B) Hatchery Supported Trout Waters are as follows:
- 35 (Rocky) Broad River (end of S.R. 1611 to Rutherford County line)
- 36 Cane Creek (railroad bridge upstream of S.R. 1551 bridge to U.S. 25 bridge)
- 37 Clear Creek (Laurel Fork to S.R. 1582)

- 1 Green River (Lake Summit powerhouse to game land boundary)
2 (Big) Hungry River (S.R. 1885 to Green River)
- 3 (12) Jackson County
- 4 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
5 Flat Creek
6 (East Fork) Tuckasegee River (~~upstream from the Clark property~~)(game lands portion
7 upstream of Tanasee Creek Lake, including Duke Energy powerline corridor)
8 Tuckasegee River (upstream from the Clark property)
- 9 (B) Delayed Harvest Trout Waters are as follows:
10 Tuckasegee River (downstream N.C. 107 bridge to the falls located 275 yards upstream of
11 the U.S. 23-441 bridge [marked by a sign on each bank])
- 12 (C) Hatchery Supported Trout Waters are as follows:
13 Balsam Lake
14 Bear Creek Lake
15 Cedar Cliff Lake
16 Cullowhee Creek (Tilley Creek to Tuckasegee River)
17 Dark Ridge Creek (Jones Creek to Scott Creek)
18 Greens Creek (Greens Creek Baptist Church on S.R. 1370 to Savannah Creek)
19 Savannah Creek (Shell Branch to Cagle Branch)
20 Scott Creek (Dark Ridge Creek to Tuckasegee River, except where posted against
21 trespassing)
22 Tanasee Creek Lake
23 Tuckasegee River — upper (John Brown Branch to the downstream N.C. 107 bridge)
24 Tuckasegee River — lower (falls located 275 yards upstream of U.S. 23-441 bridge
25 [marked by a sign on each bank] to S.R. 1534 bridge at Wilmot)
26 Wolf Creek Lake
- 27 (D) Wild Trout Waters are as follows:
28 Gage Creek
29 North Fork Scott Creek
30 Tanasee Creek
31 Whitewater River (downstream from Silver Run Creek to South Carolina state line)
32 Wolf Creek (except Balsam Lake and Wolf Creek Lake)
- 33 (E) Wild Trout Waters/Natural Bait are as follows:
34 Chattooga River (S.R. 1100 bridge to the South Carolina state line)
35 Lower Fowler Creek (game land portion)
36 Scotsman Creek (game land portion)
- 37 (13) Macon County

- 1 (A) Delayed Harvest Trout Waters are as follows:
- 2 Nantahala River (Whiteoak Creek to Nantahala hydropower discharge canal)
- 3 (B) Hatchery Supported Trout Waters are as follows:
- 4 Burningtown Creek (Left Prong to Little Tennessee River)
- 5 Cartoogechaye Creek (downstream U.S. 64 bridge to Little Tennessee River)
- 6 Cliffside Lake
- 7 Cullasaja River (Sequoyah Dam to U.S. 64 bridge near junction of S.R. 1672)
- 8 Nantahala River — upper (Dicks Creek to Whiteoak Creek)
- 9 Nantahala River — lower (Nantahala hydropower discharge canal to Swain Co. line)
- 10 Queens Creek Lake
- 11 (C) Wild Trout Waters/Natural Bait are as follows:
- 12 Chattooga River (S.R. 1100 bridge to South Carolina state line)
- 13 ~~Jarrett Creek (game land portion)~~
- 14 Kimsey Creek
- 15 ~~Overflow Creek (game land portion)~~
- 16 Park Creek
- 17 Tellico Creek (game land portion)
- 18 Turtle Pond Creek (game land portion)
- 19 (14) Madison County
- 20 (A) Delayed Harvest Trout Waters are as follows:
- 21 Big Laurel Creek (N.C. 208 bridge to the U.S. 25-70 bridge)
- 22 Shelton Laurel Creek (N.C. 208 bridge at Belva to the confluence with Big Laurel Creek)
- 23 Spring Creek (N.C. 209 bridge at Hot Springs city limits to iron bridge at end of Andrews
- 24 Ave.)
- 25 (B) Hatchery Supported Trout Waters are as follows:
- 26 Big Laurel Creek (Puncheon Fork to the S.R. 1318 [Big Laurel Rd.] bridge downstream of
- 27 Bearpen Branch)
- 28 Big Pine Creek (S.R. 1151 bridge to French Broad River)
- 29 Little Ivy Creek (confluence of Middle Fork and Paint Fork at Beech Glen to confluence
- 30 with Ivy Creek at Forks of Ivy)
- 31 Max Patch Pond
- 32 Meadow Fork Creek (Meadow Fork Campground to Spring Creek)
- 33 Puncheon Fork (Wolf Laurel Branch to Big Laurel Creek)
- 34 Roaring Fork (Fall Branch to Meadow Fork)
- 35 Shelton Laurel Creek (confluence of Big Creek and Mill Creek to N.C. 208 bridge at Belva)
- 36 Shut-in Creek
- 37 Spillcorn Creek

- 1 Spring Creek (junction of N.C. 209 and N.C. 63 to ~~USFS Rd. 223~~) the confluence with
2 Meadow Fork)
3 West Fork Shut-in Creek (lower game land boundary to confluence with East Fork Shut-
4 in Creek)
5 (C) Wild Trout Waters/Natural Bait are as follows:
6 Big Creek (headwaters to the lower game land boundary)
7 (15) McDowell County
8 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
9 Newberry Creek (game land portion)
10 (B) Delayed Harvest Trout Waters are as follows:
11 Catawba River (portion adjacent to Marion Greenway)
12 Curtis Creek (game land portion downstream of the USFS boundary at Deep Branch)
13 Mill Creek (U.S. 70 bridge to I-40 bridge)
14 (C) Hatchery Supported Trout Waters are as follows:
15 Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
16 Catawba River (Catawba Falls Campground to Old Fort Recreation Park)
17 Little Buck Creek (game land portion)
18 North Fork Catawba River (headwaters to North Cove School at S.R. 1569 bridge)
19 (16) Mitchell County
20 (A) Delayed Harvest Trout Waters are as follows:
21 Cane Creek (N.C. 226 bridge to S.R. 1189 bridge)
22 North Toe River (U.S. 19E bridge to N.C. 226 bridge)
23 (B) Hatchery Supported Trout Waters are as follows:
24 Big Rock Creek (headwaters to N.C. 226 bridge at S.R. 1307 intersection)
25 Cane Creek (S.R. 1219 to N.C. 226 bridge)
26 East Fork Grassy Creek
27 Grassy Creek (East Fork Grassy Creek to mouth)
28 Little Rock Creek (Green Creek bridge to Big Rock Creek, except where posted against
29 trespassing)
30 North Toe River (Avery Co. line to S.R. 1121 bridge)
31 (C) Wild Trout Waters are as follows:
32 Green Creek (headwaters to Green Creek bridge, except where posted against trespassing)
33 Little Rock Creek (above Green Creek bridge, including all tributaries, except where
34 posted against trespassing)
35 Wiles Creek (game land boundary to mouth)
36 (17) Polk County
37 (A) Delayed Harvest Trout Waters are as follows:

- 1 Green River (Fishtop Falls Access Area to the confluence with Cove Creek)
- 2 (B) Hatchery Supported Trout Waters are as follows:
- 3 Green River (Mouth of Cove Creek to the natural gas pipeline crossing)
- 4 North Pacolet River (Joels Creek to N.C. 108 bridge)
- 5 (18) Rutherford County
- 6 (A) Hatchery Supported Trout Waters are as follows:
- 7 (Rocky) Broad River (Henderson Co. line to U.S. 64/74 bridge, except where posted
- 8 against trespassing)
- 9 (19) Stokes County
- 10 (A) Hatchery Supported Trout Waters are as follows:
- 11 Dan River (Virginia state line downstream to a point 200 yards below the end of S.R. 1421)
- 12 (20) Surry County
- 13 (A) Delayed Harvest Trout Waters are as follows:
- 14 Ararat River (portion adjacent to the Ararat River Greenway)
- 15 Mitchell River (0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R.
- 16 1330)
- 17 (B) Hatchery Supported Trout Waters are as follows:
- 18 Ararat River (S.R. 1727 bridge downstream to the N.C. 103 bridge)
- 19 Big Elkin Creek (dam 440 yards upstream of N.C. 268 bridge to a point 265 yards
- 20 downstream of N.C. 268 [marked by a sign on each bank])
- 21 Fisher River (Cooper Creek)(Virginia state line to I-77 bridge)
- 22 Little Fisher River (Virginia state line to N.C. 89 bridge)
- 23 Lovills Creek (U.S. 52 Business bridge to Ararat River)
- 24 Pauls Creek (Virginia state line to .3 miles below S.R. 1625 bridge)
- 25 (21) Swain County
- 26 (A) Delayed Harvest Waters Trout Waters are as follows:
- 27 Tuckasegee River (U.S. 19 bridge to Slope Street bridge)
- 28 (B) Hatchery Supported Trout Waters are as follows:
- 29 Alarka Creek (game land boundary to Fontana Reservoir)
- 30 Calderwood Reservoir (Cheoah Dam to Tennessee state line)
- 31 Cheoah Reservoir
- 32 Connelly Creek (Camp Branch to Tuckasegee River)
- 33 Deep Creek (Great Smoky Mountains National Park Boundary line to Tuckasegee River)
- 34 Nantahala River (Macon Co. line to existing Fontana Lake water level)
- 35 (22) Transylvania County
- 36 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:

- Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
- (B) Delayed Harvest Trout Waters are as follows:
- East Fork French Broad River (East Fork Baptist Church to the downstream S.R. 1107 bridge)
- Little River (confluence of Lake Dense to 100 yards downstream of Hooker Falls)
- (C) Hatchery Supported Trout Waters are as follows:
- Davidson River (Avery Creek to lower USFS boundary)
- French Broad River (confluence of North Fork French Broad River and West Fork)
- French Broad River to the Island Ford Rd. [S.R. 1110] Access Area
- Middle Fork French Broad River (upstream U.S. 178 bridge to French Broad River)
- West Fork French Broad River (S.R. 1312 to confluence with North Fork French Broad River)
- (D) Wild Trout Waters are as follows:
- All waters located on Gorges State Park
- Whitewater River (downstream from Silver Run Creek to South Carolina state line)
- (E) Wild Trout Waters/Natural Bait are as follows:
- North Fork French Broad River (game land portion downstream of S.R. 1326)
- Thompson River (S.R. 1152 to South Carolina state line, except where posted against trespassing)
- (23) Watauga County
- (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
- Laurel Creek (confluence of North and South Fork Laurel creeks to Elk Creek, excluding tributaries)
- Pond Creek (headwaters to Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake)
- (B) Delayed Harvest Trout Waters are as follows:
- Lake Coffey
- Watauga River – upper (S.R. 1114 bridge to Valle Crucis Community Park lower boundary)
- Watauga River – lower (S.R. 1103 bridge to confluence with Laurel Creek)
- (C) Hatchery Supported Trout Waters are as follows:
- Beaverdam Creek (confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203)
- Beech Creek
- Buckeye Creek (Buckeye Creek Reservoir dam to Grassy Gap Creek)
- Buckeye Creek Reservoir

Cove Creek (S.R. 1233 bridge at Zionville to S.R. 1214 bridge at Sherwood)
 Dutch Creek (second bridge on S.R. 1134 to mouth)
 Elk Creek (S.R. 1510 bridge at Triplett to Wilkes Co. line, except where posted against trespassing)
 Laurel Creek (S.R. 1123 bridge at S.R. 1157 intersection to Watauga River)
 Meat Camp Creek (S.R. 1340 bridge at S.R. 1384 intersection to N.C. 194)
 Middle Fork New River (adjacent to intersection of S.R. 1539 and U.S. 321 to South Fork New River)
 Norris Fork Creek
 South Fork New River (canoe launch 70 yards upstream of U.S. 421 bridge to lower boundary of Brookshire Park)
 Stony Fork (S.R. 1500 bridge at S.R. 1505 intersection to Wilkes Co. line)
 (D) Wild Trout Waters are as follows:
 Dutch Creek (headwaters to second bridge on S.R. 1134)
 Howard Creek
 Maine Branch (headwaters to North Fork New River)
 North Fork New River (from confluence with Maine and Mine branches to Ashe Co. line)
 Watauga River (Avery Co. line to S.R. 1580 bridge)
 Winkler Creek (lower bridge on S.R. 1549 to confluence with South Fork New River)
 (24) Wilkes County
 (A) Delayed Harvest Trout Waters are as follows:
 East Prong Roaring River (Bullhead Creek downstream to Stone Mountain State Park lower boundary)
 Elk Creek — upper (Watauga Co. line to lower boundary of the Blue Ridge Mountain Club)
 Elk Creek — lower (portion on Leatherwood Mountains development)
 Reddies River (Town of North Wilkesboro water intake dam to confluence with the Yadkin River)
 Stone Mountain Creek (from falls at Alleghany Co. line to confluence with East Prong Roaring River and Bullhead Creek)
 (B) Hatchery Supported Trout Waters are as follows:
 Basin Creek (S.R. 1730 bridge to confluence with Lovelace Creek)
 Bell Branch Pond
 Boundary Line Pond
 Cub Creek (.5 mile upstream of S.R. 2460 bridge to S.R. 1001 bridge)
 Darnell Creek (North Prong Reddies River)(downstream ford on S.R. 1569 to confluence with North Fork Reddies River)

1 East Prong Roaring River (Stone Mountain State Park lower boundary to S.R. 1002 bridge)
 2 Fall Creek (S.R. 1300 bridge to confluence with South Prong Lewis Fork, except where
 3 posted against trespassing)
 4 Middle Fork Reddies River (Clear Prong)(headwaters to bridge on S.R. 1580)
 5 Middle Prong Roaring River (headwaters to second bridge on S.R. 1736)
 6 North Fork Reddies River (Vannoy Creek)(headwaters to Union School bridge on S.R.
 7 1559)
 8 Pike Creek
 9 Pike Creek Pond
 10 South Fork Reddies River (S.R. 1355 bridge to confluence with Middle Fork Reddies
 11 River)
 12 South Prong Lewis Fork (Fall Creek to U.S. 421 bridge adjacent to S.R. 1155 intersection)
 13 (C) Wild Trout Waters are as follows:
 14 All waters located on Stone Mountain State Park, except East Prong Roaring River from
 15 Bullhead Creek downstream to the Stone Mountain State Park lower boundary where
 16 Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from falls at
 17 Alleghany County line to confluence with East Prong Roaring River and Bullhead Creek
 18 in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
 19 (25) Yancey County
 20 (A) Catch and Release/Artificial Flies and Lures Only Trout Waters are as follows:
 21 South Toe River (headwaters to Upper Creek)
 22 Upper Creek
 23 (B) Delayed Harvest Trout Waters are as follows:
 24 Cane River (Blackberry Ridge Rd. to downstream boundary of Cane River County Park)
 25 (C) Hatchery Supported Trout Waters are as follows:
 26 Bald Mountain Creek (except where posted against trespassing)
 27 Cane River (Bee Branch [S.R. 1110] to Bowlens Creek)
 28 Price Creek (junction of S.R. 1120 and S.R. 1121 to Indian Creek)
 29 South Toe River (Clear Creek to lower boundary line of Yancey Co. Recreation Park,
 30 except where posted against trespassing)
 31 (D) Wild Trout Waters are as follows:
 32 Cattail Creek (bridge at Mountain Farm Community Rd. to N.C. 197 bridge)
 33 Lickskillet Creek
 34 Middle Creek (game land boundary to mouth)
 35

36 *History Note: Authority G.S. 113-272; 113-292;*
 37 *Eff. February 1, 1976;*

1 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;*
2 *October 1, 1992;*
3 *Temporary Amendment Eff. July 1, 1999;*
4 *Amended Eff. July 1, 2000;*
5 *Temporary Amendment Eff. July 1, 2001;*
6 *Temporary Amendment Eff. July 1, 2002;*
7 *Amended Eff. August 1, 2002 (approved by RRC on 6/21/01 and 04/18/02);*
8 *Temporary Amendment Eff. June 1, 2003;*
9 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
10 *2003);*
11 *Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014;*
12 *August 1, 2013; August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May*
13 *1, 2007; May 1, 2006; June 1, 2005;*
14 *Readopted Eff. August 1, 2019;*
15 *Amended Eff. August 1, 2022, August 1, 2021; August 1, 2020.*

1 15A NCAC 10C .0314 is amended as published in 36:11 NCR 918-919 as follows:

2
3 **15A NCAC 10C .0314 STRIPED BASS**

4 (a) The daily creel limit for Striped Bass and its hybrids is four fish in the aggregate, except in waters identified in
5 Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. The minimum size limit for these fish is 20 inches, except in
6 waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this Rule. There is no closed season, except
7 for waters identified in Paragraphs (g), (h), (i), (j), and (k) of this Rule.

8 (b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA
9 and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in the aggregate and the
10 minimum size limit is 20 inches from October 1 through May 31. From June 1 through September 30, the daily creel
11 limit on Striped Bass and its hybrids is four in the aggregate with no minimum size limit.

12 (c) In Lake Gaston and Roanoke Rapids Reservoir, the minimum size limit for Striped Bass and its hybrids is 20
13 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September
14 30.

15 (d) In ~~Lake Norman~~, Hyco Lake, Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake
16 Townsend, and Salem Lake the minimum size limit for Striped Bass and its hybrids is 16 inches.

17 (e) In Lake Chatuge in Clay County, the daily creel limit is 15 in the aggregate. There is no minimum size limit, but
18 only two may be greater than 22 inches.

19 (f) In Lake Mattamuskeet, and in the Pee Dee River and its tributaries downstream from the Blewett Falls Dam to the
20 South Carolina state line, the daily creel limit for Striped Bass and its hybrids is three fish in the aggregate, and the
21 minimum size limit is 18 inches.

22 (g) In the inland fishing waters of Neuse, Pungo, and Tar Pamlico rivers and their tributaries extending upstream to
23 the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of
24 Interstate 95 not specified in Paragraphs (f), (h), (i), and (j) of this Rule, the daily creel limit for Striped Bass and its
25 hybrids is two fish in the aggregate. The minimum size limit is 26 inches. In these waters, the season for taking and
26 possessing Striped Bass is closed from May 1 through September 30.

27 (h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam and in the
28 ponds associated with Martin Marietta Park in Craven County, the season for taking and possessing Striped Bass is
29 closed year-round.

30 (i) In the inland and joint fishing waters of the Roanoke River Striped Bass Management Area, as established in 15A
31 NCAC 03R .0201 and identified in 15A NCAC 10C .0110, which includes the Roanoke, Cashie, Middle, and Eastmost
32 rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through
33 April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam.
34 During the open season, the daily creel limit for Striped Bass and its hybrids is ~~two~~ one fish in the aggregate, and the
35 minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be possessed in the daily
36 creel limit. ~~Only one fish larger than 27 inches may be possessed in the daily creel limit.~~

1 (j) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck
2 Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and
3 their tributaries), the Striped Bass fishing season, size limits, and creel limits are the same as those established by rules
4 or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

5 (k) In accordance with G.S. 113-292, the Executive Director may, by proclamation, suspend, or extend the hook-and-
6 line season for Striped Bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate
7 the provisions of any proclamation issued under this authority.

8
9 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

10 *Eff. November 1, 2013;*

11 *Amended Eff. June 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014;*

12 *Readopted Eff. August 1, 2019;*

13 *Amended Eff. August 1, 2022; August 1, 2021; August 1, 2020.*

1 15A NCAC 10D .0102 is amended with changes as published in 36:11 NCAC 919-923 as follows:

2
3 **15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

4 (a) For purposes of this Subchapter, the following definitions apply:

- 5 (1) "Permanent Hunting Blind" means any structure that is used for hunter concealment, constructed
6 from manmade or natural materials, and that is not disassembled and removed at the end of each
7 day's hunt.
8 (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or
9 self-defense.
10 (3) "Youth" means individuals under 18 years of age.

11 (b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the
12 landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional
13 restrictions on entry or usage:

- 14 (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to bow and
15 arrow hunting and falconry only. On these areas, deer of either sex may be taken on all open days
16 of any applicable deer season.
17 (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person
18 shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on
19 any game land. Falconry is exempt from this provision.
20 (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use
21 of centerfire rifles is prohibited.
22 (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to all use by the
23 general public, and entry upon such an area for any purpose is prohibited without first having
24 obtained written approval of such entry or use from an authorized agent of the Wildlife Resources
25 Commission. Entry shall be authorized only when such entry will not compromise the primary
26 purpose for establishing the Restricted Zone and the person or persons requesting entry are able to
27 demonstrate a valid need or such person is a contractor or agent of the Commission conducting
28 official business. "Valid need" includes issues of access to private property, scientific investigations,
29 surveys, or other access to conduct activities in the public interest.
30 (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are
31 closed to all use by the general public, and entry upon such an area for any purpose is prohibited
32 without first having obtained written approval of such entry or use from an authorized agent of the
33 Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted
34 Zone when there is a danger to the health or welfare of the public.
35 (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge
36 of firearms or bow and arrow is prohibited.

(7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).

(8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the general public shall be prohibited from sunset to sunrise.

(9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to all use by the general public during the dates specified on the sign, and entry upon such an area for any purpose is prohibited without first obtaining written approval of such entry or use from an authorized agent of the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit any litter, trash, garbage, or other refuse at any place on any game land except in receptacles provided for disposal of such refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on any game land by any person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. No person shall discharge:

- (1) any weapon within 150 yards of any game land building or designated game land camping area, except where posted otherwise;
- (2) any weapon within 150 yards of any residence located on or adjacent to game lands, except on Butner-Falls of Neuse and Jordan game lands; and
- (3) any firearm within 150 yards of any residence located on or adjacent to Butner-Falls of Neuse and Jordan Game Lands.

No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting on any posted waterfowl impoundment on any game land, except shotgun shells containing lead buckshot may be used while deer hunting. Every individual carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions, free of charge, at:

http://www.ecfr.gov/cgi-bin/text-idx?SID=75b0c14fb2c26906cf64a267eb69b052&mc=true&node=se36.3.327_113&rgn=div8. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;

- (2) the firearm is cased or not immediately available for use;
- (3) the firearm is used by persons participating in field trials on field trial areas; or
- (4) the firearm is possessed in designated camping areas for defense of persons and property.

(e) Game Lands License: Hunting and Trapping

- (1) Requirement. Except as provided in Subparagraph (4) of this Paragraph, any person entering upon any game land for the purpose of hunting, trapping, running dogs, or training dogs using wildlife shall have in his or her possession a game lands license in addition to the appropriate hunting or trapping license, or a license that conveys the game land use privilege.
- (2) For Commission-sanctioned field trials, active participants (as defined in 15A NCAC 10B .0114) in a field trial using wildlife shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege, except non-residents may substitute hunting licenses from their state(s) of residence.
- (3) For any other field trial using wildlife occurring on game lands, judges and active participants shall possess a game lands license in addition to the appropriate North Carolina hunting license, or a license that conveys the game land use privilege.
- (4) Exceptions:
 - (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
 - (B) on the game lands described in Rule .0103(e)(1) of this Section, the game lands license is required only for hunting doves; all other activities are subject to the control of the landowners.

(f) Field Trials and Training Dogs. Any individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file with the Commission an application to use the area and facility accompanied by the facility use fee computed at the rate of two hundred dollars (\$200.00) for each scheduled day of the trial. The total facility use fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which for any reason trials are not run but the building or facilities are used or occupied. A fee of seventy-five dollars (\$75.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or any other entity shall enter or use in any manner any of the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without first having obtained written approval of such entry or use from an authorized agent of the Wildlife Resources Commission, and no such entry or use of any such facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 16 days of field trials may be scheduled for occurrence on the Sandhills facilities during any calendar month, and no more than four days may be scheduled during any calendar week; provided, that a field trial requiring more than four days may be scheduled during one week upon reduction of the maximum number of days allowable during some other week so that the monthly maximum of 16 days is not exceeded. Before October 1 of each year, the

1 North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between October
2 22 and November 18 and between December 3 and March 31 shall submit its proposed schedule of such use to the
3 Wildlife Resources Commission for its consideration and approval. The use of the Sandhills Field Trial facilities at
4 any time by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained
5 only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Dogs may not be trained or permitted
6 to run unleashed from April 1 through August 15 on any game land located west of I-95, except when participating in
7 field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed
8 from March 15 through June 15 on any game land located east of I-95, except when participating in field trials
9 sanctioned by the Wildlife Resources Commission. Additionally, on game lands located west of I-95 where special
10 hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or
11 allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be
12 authorized when such field trial does not conflict with other planned activities on the Game Land or field trial facilities,
13 and the applying organization can demonstrate their experience and expertise in conducting genuine field trial
14 activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they
15 do not conflict with other planned activities previously approved by the Commission and they do not conflict with the
16 mission of the agency.

17 (g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, trapping of furbearing
18 animals, armadillos, coyotes, and groundhogs is permitted on game lands during the applicable open trapping seasons
19 established by rule. Foxes can be trapped on game lands from November 1 through the end of February in any county
20 with an open fox trapping season that falls between November 1 and the end of February. Foxes may not be taken by
21 trapping on game lands in counties with a closed fox trapping season or during any fox trapping season that occurs
22 outside the dates of November 1 through the end of February. Additionally, fox trapping is allowed on game lands in
23 Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10
24 from the first to the fourth Saturday in January. Trapping is prohibited:

- 25 (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- 26 (2) in posted "safety zones" located on any game land;
- 27 (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south,
28 US 276 on the north and east, and NC 215 on the west; and
- 29 ~~(4) on the John's River Waterfowl Refuge in Burke County;~~
- 30 ~~(5)~~ (4) on the DuPont State Forest Game Lands; and
- 31 ~~(6)~~ (5) from April 1 through October 31.

32 At each trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a
33 processed food product as defined in G.S.113-294(r), is less than 3 cubic inches and is covered to prevent it from
34 being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or
35 hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

36 (h) Vehicular Traffic. No person shall drive a motorized vehicle on any game land except on those roads constructed,
37 maintained, and opened for vehicular travel and those trails posted for vehicular travel, unless such person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land;
or
- (2) is a disabled sportsman as defined in Paragraph (k) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (m) of this Rule and is abiding by the rules described in Paragraph (m).
- (i) Camping.
- (1) No person shall camp on any game land except on an area designated by the landowner for camping.
- (2) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at any designated camping area is 14 days within any 30-day period from May 1 through August 31, unless otherwise specified in Rules of this Subchapter. After 14 consecutive days of camping, all personal belongings shall be removed from the game land.
- (j) Swimming. Swimming is prohibited in the lakes located on the Sandhills Game Land.
- (k) Disabled Sportsman Program. In order to qualify for permit hunts for disabled sportsmen offered by the Commission and use of designated blinds during those hunts, an individual shall possess a Disabled Veteran Sportsman license, a Totally Disabled Sportsman license, or a disabled sportsman hunt certification issued by the Commission. In order to qualify for the certification, the applicant shall provide medical certification of one or more of the following disabilities:
- (1) missing 50 percent or more of one or more limbs, whether by amputation or natural causes;
- (2) paralysis of one or more limbs;
- (3) dysfunction of one or more limbs rendering the person unable to perform the task of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) disease, injury, or defect confining the person to a wheelchair, walker, or crutches; or
- (5) deafness.
- On game lands where the privileges described in Paragraph (m) of this Rule apply, participants in the program may operate electric wheel chairs, all terrain vehicles, or other passenger vehicles:
- (1) on ungated or open-gated roads normally closed to vehicular traffic; and
- (2) on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel.
- Each program participant may be accompanied by one companion provided such companion has in his possession the companion card issued by the Commission. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land.
- (l) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without prior written authorization. It is unlawful to move wild fish from one stream to another on game lands without prior written authorization. Written authorization shall be given

1 when release of such animals is determined by a Wildlife Resources Commission biologist not to be harmful to native
2 wildlife in the area and such releases are in the public interest or advance the programs and goals of the Wildlife
3 Resources Commission.

4 (m) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use
5 on Game Lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (k) of this
6 Rule and people who have obtained a Disabled Access Program permit are exempt from the previous sentence but
7 shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans
8 with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other mobility devices designed for indoor pedestrian
9 use on any area where foot travel is allowed.

10 (n) Disabled Access Program. Permits issued under this program shall be based upon medical evidence submitted by
11 the person verifying that a handicap exists that limits physical mobility to the extent that normal utilization of the
12 game lands is not possible without vehicular assistance. Persons meeting this requirement may operate electric wheel
13 chairs, all terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel
14 and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on
15 game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to such use.
16 Those game lands, or parts thereof, where this Paragraph applies are designated online, at www.ncwildlife.org. This
17 Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or
18 cover. One companion, who is identified by a companion card issued to each qualified disabled person, may
19 accompany a disabled person to provide assistance, provided the companion is at all times in visual or verbal contact
20 with the disabled person. The companion may participate in all lawful activities while assisting a disabled person,
21 provided license requirements are met. Any vehicle used by a qualified disabled person for access to game lands under
22 this provision shall display the vehicular access permit issued by the Wildlife Resources Commission in the passenger
23 area of the vehicle where it can easily be seen by Commission staff outside the vehicle. It is unlawful for anyone other
24 than disabled persons as defined in Paragraph (k) of this Rule and those holding a Disabled Access Permit to hunt,
25 during waterfowl season, within 100 yards of a waterfowl blind designated by the Wildlife Resources Commission as
26 a Disabled Sportsman's hunting blind.

27 (o) Public nudity. Public nudity, including nude sunbathing, is prohibited on any game land, including land or water.
28 For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque
29 covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while
30 in a public place.

31 (p) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting
32 ranges for any purpose other than for firearm or bow and arrow marksmanship, development of shooting skills, or for
33 other safe uses of firearms and archery equipment. All other uses, including camping, building fires, operating
34 concessions or other activities not directly involved with recreational or competitive shooting are prohibited, except
35 for activities that have been approved by the Commission and for which a permit has been issued may be conducted,
36 provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the
37 time the activity is taking place. No person, when using any shooting range, shall deposit any debris or refuse on the

1 grounds of the range. This includes any items used as targets, except that clay targets broken on the range, by the
2 shooter, may be left on the grounds where they fall. No person shall shoot any items made of glass on the grounds of
3 the range. No person may leave any vehicle or other obstruction in such a location or position that it will prevent,
4 impede, or inconvenience the use by other persons of any shooting range. No person shall leave parked any vehicle
5 or other object at any place on the shooting range other than such a place or zone as is designated as an authorized
6 parking zone and posted or marked as such. No person shall handle any firearms or bow and arrow on a shooting
7 range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other
8 permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would
9 cause any rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller
10 may be allowed to travel from the range if it presents no risk of harm or injury to any person(s). Persons using a
11 shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public
12 safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission
13 employees. No person shall handle any firearms on a shooting range while under the influence of an impairing
14 substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours
15 of operation shall be designated on signs and at least one such sign shall be posted at the entrance to each shooting
16 range. No person, when using any shooting range, shall do any act that is prohibited or neglect to do any act that is
17 required by signs or markings placed on such area under authority of this Rule for the purpose of regulating the use
18 of the area.

19 (q) Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads" are
20 open to motorized vehicles from 5:00 a.m. to 10:00 p.m. only. These roads shall be posted with the opening and
21 closing times.

22 (r) No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other
23 part thereof, or possess any bird or animal that has been so mutilated.

24 (s) Baiting. Except as provided in paragraph (g) of this Rule, no person shall place, or cause to be placed on any game
25 land, salt, grain, fruit, or other foods without prior written authorization from an agent of the Commission. Written
26 authorization may be provided for Commission authorized projects or Commission contractors to meet specific
27 objectives. Except as authorized by rule, no person shall take or attempt to take any wild birds or wild animals attracted
28 to such foods.

29
30 *History Note: Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306;*
31 *143-318.10;*

32 *Eff. February 1, 1976;*

33 *Amended Eff. July 1, 1993; April 1, 1992;*

34 *Temporary Amendment Eff. October 11, 1993;*

35 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994;*

36 *Temporary Amendment Eff. July 1, 1999;*

37 *Amended Eff. July 1, 2000;*

1 *Temporary Amendment Eff. August 31, 2001;*
2 *Amended Eff. August 1, 2002;*
3 *Amended Eff. June 1, 2004; (this amendment replaces the amendment approved by RRC on July 17,*
4 *2003);*
5 *Amended Eff. January 1, 2013; January 1, 2012; June 1, 2011; August 1, 2010; May 1, 2009; May*
6 *1, 2008; May 1, 2007; May 1, 2006; November 1, 2005;*
7 *Temporary Amendment Eff. July 1, 2014;*
8 *Amended Eff. August 1, 2022; August 1, 2020; August 1, 2017; August 1, 2016; May 1, 2015; August*
9 *1, 2014.*

1 15A NCAC 10D .0106 is amended with changes as published in 36:11 NCAC 937-938 as follows:

2
3 **15A NCAC 10D .0106 DESIGNATED BEAR SANCTUARIES MANAGEMENT AREAS**

4 (a) It shall be unlawful to take bear on posted designated bear sanctuaries management areas as set forth in Paragraph

5 (b) of this rule, except when authorized by permit issued by the Commission on sanctuaries management areas
6 specified in Paragraph (c) of this Rule.

7 (b) The following shall be posted designated bear sanctuaries management areas:

8 Bachelor Bay designated bear sanctuaries management area – Bertie and Washington counties

9 Columbus County designated bear sanctuaries management area – Brunswick and Columbus counties

10 Croatan designated bear sanctuaries management area – Carteret, Craven, and Jones counties

11 Daniel Boone designated bear sanctuaries management area – Avery, Burke, and Caldwell counties

12 Dare designated bear sanctuaries management area – Dare and Hyde counties,

13 Fires Creek designated bear sanctuaries management area – Clay County

14 Flat Top designated bear sanctuaries management area – Mitchell and Yancey counties

15 Green Swamp designated bear sanctuaries management area – Brunswick County

16 Gull Rock designated bear sanctuaries management area – Hyde County

17 Harmon Den designated bear sanctuaries management area – Haywood County

18 Juniper Creek designated bear sanctuaries management area – Brunswick and Columbus counties

19 Mt. Mitchell designated bear sanctuaries management area – McDowell and Yancey counties

20 North River designated bear sanctuaries management area – Camden and Currituck counties

21 Panthertown – Bonas Defeat designated bear sanctuaries management area – Jackson County

22 Pisgah designated bear sanctuaries management area – Buncombe, Haywood, Henderson and Transylvania

23 Pungo River designated bear sanctuaries management area – Hyde County

24 Rich Mountain designated bear sanctuaries management area – Madison County

25 Sherwood designated bear sanctuaries management area – Haywood County

26 Suggs Mill Pond designated bear sanctuaries management area – Bladen and Cumberland counties

27 Standing Indian designated bear sanctuaries management area – Macon County

28 Thurmond Chatham designated bear sanctuaries management area – Allegheny and Wilkes counties

29 Wayah designated bear sanctuaries management area – Macon County

30 (c) It shall be lawful to take bear on the following sanctuaries designated management areas when authorized by
31 permit issued by the Commission:

32 Daniel Boone designated bear sanctuaries management area – Avery, Burke, and Caldwell counties

33 Dare designated bear sanctuaries management area – Dare and Hyde counties

34 Mt. Mitchell designated bear sanctuaries management area – McDowell and Yancey counties

35 Panthertown – Bonas Defeat designated bear [sanctuary] management area – Jackson County

36 Pisgah designated bear [sanctuary] management area – Buncombe, Haywood, Henderson and Transylvania

37 Standing Indian designated bear [sanctuary] management area – Macon County

1 (d) Feral Swine shall not be taken with the use of dogs on designated bear ~~sanctuaries~~ management areas.

2 (e) Dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15
3 on designated bear ~~sanctuaries~~ management areas located in and west of the counties and parts of counties described
4 in 15A NCAC 10B .0109.

5
6 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.7; 113-305;*

7 *Eff. August 1, 2019.*

8 *Amended Eff. August 1, 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.

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

1 15A NCAC 10E .0104 is amended as published in 36:11 NCR 940 as follows:

2
3 **15A NCAC 10E .0104 USE OF AREAS REGULATED**

4 (a) No person shall leave any vehicle, boat trailer or other obstruction on any public fishing or boating access area in
5 such a location, position or condition that prevents or impedes the use by other persons of any ramp or other facility
6 constructed for the purpose of launching or landing boats or fishing.

7 (b) No person shall park a vehicle, boat, boat trailer, or other object at a public fishing or boating access area unless
8 parking in a designated parking zone. Public fishing or boating access areas and facilities remain available for use
9 when designated parking zones are at capacity. When designated parking zones are at capacity, any person may enter
10 and use the areas or facilities, provided other arrangements for parking are made that do not violate this Rule or the
11 regulations of this Subchapter, if applicable. No person shall operate a vehicle at a public fishing or boating access
12 area in a manner that endangers life, limb, or property.

13 (c) No person shall possess a loaded firearm on any public fishing or boating access area, except that a handgun may
14 be carried by an individual with a valid concealed handgun permit. The individual carrying a handgun must adhere to
15 the requirements set forth in North Carolina G.S. 14-415.11, even if the state issuing the concealed handgun permit is
16 not North Carolina. The permission to carry a handgun does not apply to access areas on the following game lands:

- 17 (1) Bladen Lakes State Forest
- 18 (2) Buckhorn
- 19 (3) Butner-Falls of Neuse
- 20 (4) Chatham
- 21 (5) DuPont State Forest
- 22 (6) Harris
- 23 (7) Hyco
- 24 (8) Jordan
- 25 (9) Kerr Scott
- 26 (10) Lee
- 27 (11) Mayo
- 28 (12) Pee Dee River north of U.S 74
- 29 (13) Sutton Lake
- 30 (14) Vance
- 31 (15) the portion of R. Wayne Bailey-Caswell that is located north of U.S. 158 and east of N.C. 119

32 (d) No person, when using any public fishing or boating access area, shall deposit debris or refuse anywhere on the
33 grounds of the area. No person, when using any public fishing or boating access area, shall do any act that is prohibited
34 or neglect to do any act that is required by signs or markings placed on such area under authority of this Rule for the
35 purpose of regulating the use of the area.

1 (e) No person shall operate a motorboat in the public waters of North Carolina within 50 yards of a Commission-
2 owned or managed boat launching ramp at greater than "no wake" speed. For the purpose of this Rule, "no wake"
3 speed means idling speed or a slow speed creating no appreciable wake.

4 (f) Except where facilities are ~~provided~~, provided or permits are issued, it is unlawful to use any boating access area
5 for purposes other than the launching and retrieving of vessels ~~boats~~ and parking vehicles ~~and boat with vessel~~ trailers.
6 All other uses, including swimming, skiing, camping, building fires, operating concessions or other activities not
7 directly involved with launching and retrieving of vessels ~~boats~~ are prohibited, except those activities ~~activities~~,
8 ~~including fish weigh-ins, for which the Commission has issued a permit permit. has been issued may be conducted,~~
9 ~~provided that the permit authorizing such activity is available for inspection by wildlife enforcement officers at the~~
10 ~~time the activity is taking place.~~ All organized activities and events require a permit from the Commission and can
11 be applied for at www.ncwildlife.org. Permits shall be available for inspection by wildlife enforcement officers at the
12 time the activity is taking place.

13 (g) Unless otherwise ~~Except where facilities are provided and approved uses are~~ posted, it is unlawful to use any
14 public fishing area for purposes other than fishing. ~~All prohibited uses and activities shall be posted including~~
15 ~~possession of loaded firearms (except as allowed in Paragraph (b) of this Rule), swimming, launching or mooring jet~~
16 ~~skis or boats, skiing, building fires, operating concessions, or other activities not directly associated with fishing.~~

17 (h) It is unlawful to feed or release animals or birds, domesticated animals and feral animals on public fishing or
18 boating access areas without prior written authorization of the Wildlife Resources Commission. Written authorization
19 will only be granted to persons acting on behalf of the Commission, to persons conducting scientific investigations or
20 surveys, and for release of rehabilitated wildlife. Written authorization will not be granted for any feeding or release
21 that is inimical to the conservation of native wildlife resources. For the purpose of enforcing this Paragraph,
22 "domesticated animals" does not include pets under the control of the owner and raptors or hunting dogs where
23 otherwise permitted for hunting or training purposes.

24 (i) The use of gasoline powered motors on Ethridge Pond Public Fishing Area and Newbold Pond Public Fishing
25 Area in Edgecombe County is prohibited.

26
27 *History Note: Authority G.S. 75A-14; 113-134; 113-264;*

28 *Eff. February 1, 1976;*

29 *Amended Eff. August 1, 2022; August 1, 2019; August 1, 2012; August 1, 2010; May 1, 2009; July*
30 *1, 1995; February 1, 1994; September 1, 1992; July 1, 1991.*

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".

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

1 15A NCAC 10H .1301 is amended as published in 36:11 NCR 940-941 as follows:

2
3 **15A NCAC 10H .1301 ~~COMMERCIAL TAKE OF CERTAIN TURTLES PROHIBITED SALE OF~~**
4 **NATIVE TURTLES**

5 ~~(a) For the purposes of this Rule, "commercial taking" means the taking, possession, collection, transportation,~~
6 ~~purchase, or sale of five or more individual turtles or any turtle part, per person in a calendar year.~~

7 ~~(a) Buying or selling any native turtle species is prohibited except for snapping turtles (*Chelydra serpentina*) with a~~
8 ~~curved carapace length of 13 inches or greater as authorized by 10B .0119.~~

9 ~~(b) It shall be unlawful to engage in the commercial taking of any native turtle species in the families Emydidae or~~
10 ~~Trionychidae.~~

11 ~~(c) The prohibition on commercial taking in this Rule shall not apply to the following:~~

12 (1) ~~A licensed veterinarian when holding for purposes of medical treatment;~~

13 (2) ~~A holder of a valid captivity permit for the purposes of rehabilitation;~~

14 (3) ~~A publicly financed zoo, scientific research facility or institution of higher education, or any State~~
15 ~~or federal agency;~~

16 (4) ~~Any person who accidentally collects five or more turtles incidental to any lawful activity, and who~~
17 ~~immediately returns them to the wild; or~~

18 (5) ~~Property owners who legally apply for and receive depredation permits from the Wildlife Resources~~
19 ~~Commission, or one of its Wildlife Damage Control Agents.~~

20 ~~(d) No native turtle shall be sold, except:~~

21 (1) ~~as authorized by 10A NCAC 41A .0302; and~~

22 (2) ~~snapping turtles (*Chelydra serpentina*) with a curved carapace length of 11 inches or greater.~~

23 ~~(e)(b)~~ Violators shall be subject to a replacement cost per individual turtle that shall equal the replacement cost for
24 "species with no open season" as set forth in 15A NCAC 10B .0117(c).

25
26 *History Note: Authority G.S. 113-333(a)(6);*

27 *Eff. May 1, 2007;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
29 *6, 2016;*

30 *Amended Eff. August 1, 2022; November 1, 2019.*

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".

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

1 15A NCAC 10H .1302 is amended with changes as published in 36:11 NCAC 941 as follows:

2
3 **15A NCAC 10H .1302 POSSESSION OF REPTILES AND AMPHIBIANS**

4 (a) Possession permits are required for the possession, importation, transportation, purchase, and sale [per physical
5 address]of:

- 6 (1) 25 or more individuals of any combination of native amphibian species; or
7 (2) five or more individuals of native reptile species.

8 ~~(b) Possession permits shall not be required for the possession, importation, transportation, purchase, and sale of:~~

- 9 ~~(1) 24 or fewer individuals of any combination of native amphibian species; or~~
10 ~~(2) four or fewer individuals of native reptile species.~~

11 (b) Possession permits are required for the rehabilitation of native reptiles and amphibians.

12 (c) Nothing in this Rule shall be construed to authorize the collection of any wildlife resources from the wild or the
13 taking, possession, transportation, sale, purchase, or release to the wild of any wildlife resources or their parts in
14 violation of State or federal laws or regulations.

15 (d) At no time shall permitted animals be released to the wild, except under situations of research or rehabilitation
16 with written permission from the Wildlife Resources Commission.

17 ~~(e) The sale of native turtles shall be unlawful, except as authorized by 10A NCAC 41A .0302 and snapping turtles~~
18 ~~(Chelydra serpentina) with a curved carapace length of 11 or greater.~~

19 ~~(f)~~(e) A possession permit shall not be issued for:

- 20 (1) holding reptiles and amphibians that were acquired unlawfully;
21 (2) holding reptiles and amphibians for unlawful sale or trade;
22 (3) ~~selling snapping turtles (Chelydra serpentina) less than 11 inches (curved carapace length);~~
23 individuals collecting snapping turtles under the collection license set forth in 10B .0119;
24 (4) ~~collecting five or more individual native turtles from the families Emydidae or Trionychidae from~~
25 ~~the wild in a given year, except those entities exempted from collection in Rule .1301(c) of this~~
26 Section; collection of native reptiles and amphibians from the wild;
27 (5) ~~collecting five or more individuals in aggregate from other native reptile families or 25 or more~~
28 ~~individual amphibians from the wild in a given year without first having secured a valid Collection~~
29 License;
30 ~~(6)~~(5) individuals in violation of the requirements of a collection license, as set forth in 15A NCAC 10B
31 .0119, an endangered species permit, as set forth in 15A NCAC 10I .0100, or a possession permit
32 as set forth in this Section; or
33 ~~(7)~~(6) individuals who do not first obtain possession permits prior to acquiring the following wildlife
34 resources in Paragraph (a) of this Rule.

35 ~~(g)~~(f) ~~The~~ Unless a more limited duration is designated on the permit ~~permit, possession permits~~ shall be valid from
36 January 1 through December 31 of the applicable year.

1 ~~(h)(g)~~ Individuals permitted under this Rule shall submit a report to the Wildlife Resources Commission within 15
2 days following the date of permit expiration. The report shall contain the numbers of each species held under the
3 permit and the use or disposition thereof.

4 (h) Any individual engaged in the purchased transportation and sale of more than 100 snapping turtles is required to
5 have a possession permit. Permitted individuals shall submit the numbers of snapping turtles taken under the permit
6 and the use or disposition thereof to the Wildlife Resources Commission within 15 days of permit expiration.

7
8 *History Note: Authority G.S. 113-274(c)(1c);*

9 *Eff. May 1, 2007;*

10 *Amended Eff. May 1, 2009;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
12 *6, 2016;*

13 *Amended Eff. August 1, 2022; November 1, 2019; August 1, 2017.*

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.

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

1 15A NCAC 10H .1402 is amended as published in 36:11 NCR 941-944 as follows:

2
3 **15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION**

4 (a) A captivity license for rehabilitation shall be required for lawful possession of injured, crippled, or orphaned native
5 wild animals or wild birds for the purpose of providing short term care and eventual release into the animal's natural
6 habitat. A captivity license for rehabilitation shall not be issued for:

- 7 (1) Endangered, threatened, or special concern species as defined by 15A NCAC 10I .0100.
8 Rehabilitation of these species requires an endangered species permit from the Commission;
9 (2) Domestic animals;
10 (3) Feral swine;
11 (4) Nutria;
12 (5) Coyote;
13 (6) Adult black bear; ~~or~~
14 (7) Adult white-tailed deer or ~~elk~~ elk;
15 (8) Nine-banded armadillo; or
16 (9) Eggs of upland game birds.

17 (b) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- 18 (1) As pets;
19 (2) For education, exhibition, or scientific purposes, except as provided in Rule .1403 of this Section;
20 (3) For dog training;
21 (4) For hunting; or
22 (5) Acquired unlawfully.

23 (c) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured,
24 crippled, or orphaned wild animals or wild birds, provided they are surrendered to a North Carolina licensed
25 veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

26 (d) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild
27 birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians
28 without a captivity license for rehabilitation may hold wild animals or wild birds until the animal is medically stable.
29 Once medically stable, the wild animal or wild bird shall be transferred to an individual possessing a captivity license
30 for rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wild
31 animals or wild birds shall have a valid captivity license for rehabilitation.

32 (e) Individuals applying for a captivity license for rehabilitation that have never held this license in North Carolina
33 or a similar license in another state shall be designated as an apprentice. The following requirements shall apply to an
34 apprentice license:

- 35 (1) On the application, the apprentice shall designate a mentor with a valid captivity license for
36 rehabilitation in NC, who has held that license for two or more years;

- (2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a licensed rehabilitator; and
- (3) An apprentice license shall only authorize the possession of squirrels, rabbits, and opossums.
- (f) Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements, including those in G.S. 113-272.5 and all applicable rules of this Section. Individuals seeking to rehabilitate migratory birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation permit for each category of migratory birds to be rehabilitated. The Commission shall state on the captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to possess.
- (g) Required facilities.
- (1) Individuals holding a captivity license for rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the "Miller, E.A., edition. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available at no cost at http://www.nwrawildlife.org/page/Minimum_Standards.
- (2) All wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.
- (3) All wild animals shall be kept in separate enclosures by species.
- (4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.
- (5) Handling of animals shall be for treatment only.
- (h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.
- (i) Release of rehabilitated wild animals and wild birds.
- (1) All rehabilitated wild animals and wild birds shall be released as soon as the animal can be expected to survive in the wild or has attained full recovery from illness or injury, as determined by the rehabilitator or a North Carolina licensed veterinarian.
- (2) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.
- (3) Wild animals and wild birds shall not be released on property owned by another unless the rehabilitator has written permission dated within the last 12 months from the landowner.
- (4) Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized. However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when written authorization is requested from the Commission. The wild animal or wild bird

shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.

(j) Transfer of Animals.

- (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.
- (2) Wild animals received for rehabilitation may not be exported outside the State for the purpose of rehabilitation or release after rehabilitation unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.
- (3) It shall be unlawful for a license holder to sell any wild animal or wild bird being held under a license for rehabilitation.
- (4) It shall be lawful for a license holder to transfer a wild animal or wild bird to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species or a wild bird to another individual with a valid permit for the given species.

(k) White-tailed Deer Fawn.

- (1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may possess, rehabilitate, and release white-tailed deer fawns. To become licensed to rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.
- (2) No white-tailed deer fawn shall be possessed until the applicant has constructed or acquired an enclosure for keeping fawn that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.
- (3) Any white-tailed deer fawn held for more than 48 hours shall be permanently tagged using only Commission-provided tags.
- (4) Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer fawns shall be held for no longer than 180 days or until December 31, whichever occurs first. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis. A fawn shall be considered an adult on December 31 of the birth year.
- (5) Records of all white-tail deer fawn rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license.
- (6) Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn on properties licensed for farmed cervids.

(l) Elk Calves.

- (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate elk calves.

- (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual shall meet all the requirements of the captivity license for rehabilitation.
- (3) Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-provided tags.
- (4) Any individual or facility with the elk calf category may not rehabilitate elk calves on properties licensed for farmed cervids.
- (5) No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.
- (6) Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license

(m) Black Bear Cubs.

- (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.
- (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear category. To become licensed to rehabilitate black bear cubs, an individual shall meet all the requirements of the captivity license for rehabilitation.
- (2) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

- (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may possess, rehabilitate, or release rabies species. To become licensed to rehabilitate rabies species, an individual shall meet all requirements of the general captivity license for rehabilitation and shall:
 - (A) have held an active rehabilitation license within or outside of the State for at least the previous three years and have rehabilitated during that time;
 - (B) certify 12 hours of rabies or rabies species-specific training or a combination thereof;
 - (C) certify up-to-date rabies immunization in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any rehabilitator, staff member or volunteer, who may come in contact with rabies species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;
 - (D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical

- 1 treatment to the rabies species. Contact information for the veterinarian shall be posted at
2 the facility where the rabies species are being rehabilitated;
- 3 (E) certify notification to the appropriate animal control authority and local health department
4 prior to making application to the Commission, to inform them of their anticipated
5 activities and location. Contact information for these agencies shall be posted at the facility
6 where the rabies species are being rehabilitated.
- 7 (F) have separate facilities from non-rabies species adequate for the species to be rehabilitated.
8 Enclosures within the facility shall prevent escape of the animal and exposure to people,
9 pets, livestock, and other captive or free-ranging wildlife. Exterior caging shall be locked
10 and surrounded by double fencing or a solid wall barrier; and
- 11 (G) coordinate with appropriate local health department regarding euthanasia and testing of
12 rabies species. A written protocol for testing shall be posted at the facility and made
13 available for inspection by the Commission upon request.
- 14 (2) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the
15 United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies
16 Vaccination (ORV) program is conducted, as specified by the United States Department of
17 Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.
- 18 (3) Except as otherwise specified in this Section, rabies species shall not be removed from their
19 containment except for treatment, release, maintenance of the enclosure, or euthanasia.
- 20 (4) Rehabilitated rabies species must be released in either the county where they were rehabilitated or
21 the county where they were found.
- 22 (5) All rabies species shall be considered potentially infected with the rabies virus. If any human or
23 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain
24 and spinal cord, or brain and spinal cord material from any rabies species, the license holder shall
25 contact the local Health Department immediately to report the incident. The local Health
26 Department may require euthanasia of the animal and submission of the brain for rabies testing.
27 Rehabilitators shall abide by all requests made by authorized public health department personnel,
28 animal control, or Commission personnel regarding disposition of the animal. No rabies species that
29 has scratched or bitten a human or domestic animal or dies in captivity can be released or disposed
30 of until the local Health Department investigates the situation to determine if testing is necessary.
- 31 (6) Records of all rabies species rehabilitation shall be maintained on a form, as described in Rule .1406
32 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior
33 to the request for reissuance of the license.

34
35 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
36 *Eff. January 1, 2020.*
37 *Amended Eff. May 1, 2022.*

Burgos, Alexander N

Subject: FW: RRC Requests for Changes for April 2022 meeting

From: Blum, Catherine <catherine.blum@ncdenr.gov>

Sent: Friday, April 8, 2022 11:07 AM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Maier, Shawn <Smaier@ncdoj.gov>; Klibansky, Lara <Lara.Klibansky@ncdenr.gov>

Subject: RE: RRC Requests for Changes for April 2022 meeting

Hi Brian,

Thanks, we will wait to hear from you. In case it is needed, we are providing the NCAC citations here with our request. The agency submitted responses and rewritten rules for the technical change requests for the Admin Procedures and Highly Efficient Gears rules (15A NCAC 03I .0109, 03J .0404, 03P .0102, .0201-.0203, .0301-.0304, 03R .0119). The remaining rules for which the agency is requesting an extension for the period of review pursuant to G.S. 150B-21.13 are 15A NCAC 03I .0101, .0104, .0105, .0113, .0114, .0118, 03J .0101, .0105, .0109, .0110, .0301, .0302, .0305, .0501-.0505, 03K .0101-.0109, .0111, .0201, .0202, .0204, .0205, .0207-.0209, .0301, .0302, .0304, .0305, .0401, .0505, .0507, 03L .0101-.0103, .0105, .0201-.0205, 03M .0201, .0202, .0204, .0205, .0503, 03N .0104, .0105, 03O .0101-.0105, .0107, .0109-.0111, .0113, .0114, .0203, .0205-.0211, .0301-.0303, .0401-.0406, .0502, .0504, 03P .0101, 03R .0110, .0111, .0118, 18A .0135, .0302-.0304, .0425, .0912. For administrative efficiencies, the agency is requesting to keep all 109 rules together.

Thank you,
Catherine

Catherine Blum

Rulemaking Coordinator
Division of Marine Fisheries
N.C. Department of Environmental Quality
catherine.blum@ncdenr.gov
252-726-7021

P.O. Box 769
3441 Arendell Street
Morehead City, NC 28557-0769



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From: Liebman, Brian R

Burgos, Alexander N

Subject: FW: RRC Requests for Changes for April 2022 meeting

From: Blum, Catherine <catherine.blum@ncdenr.gov>

Sent: Tuesday, April 12, 2022 4:04 PM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Maier, Shawn <Smaier@ncdoj.gov>; Klibansky, Lara <Lara.Klibansky@ncdenr.gov>

Subject: RE: RRC Requests for Changes for April 2022 meeting

Hi again,

Yes, that is correct. For administrative efficiencies the agency is requesting all of the rules that are not automatically subject to legislative review to become effective at the same time, pending RRC approval of course. I hope this helps to clarify the request.

Thank you,
Catherine

Catherine Blum

Rulemaking Coordinator

Division of Marine Fisheries

N.C. Department of Environmental Quality

catherine.blum@ncdenr.gov

252-726-7021

P.O. Box 769

3441 Arendell Street

Morehead City, NC 28557-0769



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From: Liebman, Brian R

Sent: Tuesday, April 12, 2022 3:50 PM

To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Blum, Catherine <catherine.blum@ncdenr.gov>; Everett, Jennifer <jennifer.everett@ncdenr.gov>

Cc: Maier, Shawn <Smaier@ncdoj.gov>; Klibansky, Lara <Lara.Klibansky@ncdenr.gov>

Subject: RE: RRC Requests for Changes for April 2022 meeting

Hi again,

I wanted to confirm something from Catherine's email below. When you say that you want to keep all 109 rules together, I'm assuming this means you want to postpone the effective dates for the 11 rules that you've proceeded on so that they all become effective at the same time (assuming they all are approved by RRC, naturally)?

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

Subject: FW: RRC Requests for Changes for April 2022 meeting

From: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Sent: Tuesday, April 5, 2022 4:26 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Blum, Catherine <catherine.blum@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Changes for April 2022 meeting

Thanks Brian!

We will be in touch.

Jennifer

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8614
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, April 5, 2022 2:37 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Blum, Catherine <catherine.blum@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Requests for Changes for April 2022 meeting

Good afternoon all,

Attached, please find the request for changes for the 18A rules. The same due date applies here, 5 p.m. on Thursday, 4/14.

Please let me know if you have any questions or concerns.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings

(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Liebman, Brian R
Sent: Monday, April 4, 2022 1:44 PM
To: Everett, Jennifer <jennifer.everett@ncdenr.gov>
Cc: Blum, Catherine <catherine.blum@ncdenr.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Requests for Changes for April 2022 meeting

Good afternoon,

I'm the attorney who reviewed the Rules submitted by MFC for the April 2022 RRC meeting. Attached, please find several word docs containing requests for changes. I've maintained the groupings that the rules were submitted in, so there should be 8 different groups. I have left the 18A rules separate, and will be sending another batch of change requests for those in the next day or so.

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 evite 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 evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Thursday, April 14, 2022. While you'd ordinarily have until Friday, 4/15, that's Good Friday, so per RRC rules, your responses are due the last business day before the holiday.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,
Brian

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0135

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 (b), line 8, are the contents of the application form described in another Rule or in a statute, as required by G.S. 150B-19(6)?

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

1 15A NCAC 18A .0135 is readopted as published in 36:07 NCR 509-510 as follows:

2
3 **15A NCAC 18A .0135 PERMITS**

4 (a) ~~No person shall~~ It shall be unlawful to operate a processing facility without a permit issued by the Division, ~~first~~
5 obtaining a Crustacea Permit and Certificate of Compliance from the Division of Marine Fisheries.

6 (b) ~~No person shall operate a repacker facility without a repacker permit issued by the Division.~~

7 (c) ~~(b)~~ Application for a permit shall be submitted in writing ~~on an application form available from~~ to the Division.
8 Application forms may be obtained from the Division, P.O. Box 769, 3441 Arendell Street, Morehead City, NC 28557.

9 (d) ~~(c)~~ No permit shall be issued by the Division until an inspection by the Division shows that the facility and
10 equipment comply with applicable rules of this Section. The owner or responsible person shall sign the completed
11 inspection sheet to acknowledge receipt of the inspection sheet.

12 (e) ~~A permit issued to one person is not transferrable to another person.~~

13 (f) The permit shall be posted in a conspicuous place in the facility. ~~All permits shall expire on March 31 of each~~
14 ~~year.~~

15 (g) All permits shall expire on March 31 of each year and are non-transferrable.

16 (h) ~~(g)~~ Plans and specifications for proposed new construction, expansion of ~~operations~~ operations, or changes in
17 operating processes shall be submitted to the Division for review and approval prior to beginning
18 ~~construction~~ construction or making a change.

19 (i) ~~(h)~~ A permit may be revoked or suspended ~~pursuant to G.S. 130A-23~~ in accordance with 15A NCAC 03O .0504.

20 (j) ~~(i)~~ The owner or responsible person shall sign the completed inspection sheet to acknowledge receipt of the inspection
21 ~~sheet.~~

22
23 *History Note: Authority G.S. ~~130A-230; 113-134; 113-182; 113-221.2; 143B-289.52;~~*

24 *Eff. October 1, 1992;*

25 *Amended Eff. April 1, 1997;*

26 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0302

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 (e), line 19, are the contents of the application form described in another Rule or in a statute, as required by G.S. 150B-19(6)?

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

1 15A NCAC 18A .0302 is readopted as published in 36:07 NCR 510 as follows:

2
3 **15A NCAC 18A .0302 PERMITS**

4 (a) ~~No person shall~~ It shall be unlawful to operate any of the following facilities without ~~a permit issued by the~~
5 ~~Division~~ first obtaining a Shellfish Dealer Permit and Certificate of Compliance from the Division of Marine
6 Fisheries:

7 (1) ~~Depuration~~ depuration facilities;

8 (2) repacking plants;

9 ~~(2)(3)~~ Shellstock ~~shellstock~~ plants; and

10 ~~(3)(4)~~ Shucking ~~shucking~~ and packing plants; plants.

11 (4) Repacking plants.

12 (b) ~~No person shall~~ It shall be unlawful to operate as a shellstock dealer without ~~a permit issued by the Division~~ first
13 obtaining a Shellfish Dealer Permit and Certificate of Compliance from the Division.

14 (c) ~~A permit may be issued to a reshipper when required for out of state shipment.~~ It shall be unlawful to operate as a
15 reshipper without first obtaining a Shellfish Dealer Permit and Certificate of Compliance from the Division if shellfish
16 are purchased and shipped out of state.

17 (d) Approval for wet storage of shellstock shall be granted only to persons permitted pursuant to this Rule.

18 (e) Application for a permit shall be submitted in writing to the ~~Division at the Shellfish Sanitation Office, Fisheries~~
19 ~~Building, Arendell Street, Morehead City, North Carolina, 28557.~~ Division. Application forms ~~are available~~ may be
20 obtained from the Division, P.O. Box 769, 3441 Arendell Street, Morehead City, NC 28557.

21 (f) No permit shall be issued by the Division until an inspection by the Division shows that the ~~facilities~~ facility and
22 equipment comply with all applicable ~~rules~~ Rules in Sections .0300 through .0800 of this Subchapter. The owner or
23 responsible person shall sign the completed inspection sheet to acknowledge receipt of the inspection sheet.

24 (g) All permits shall be posted in a conspicuous place in the ~~facilities.~~ All permits shall expire on April 30 of each
25 year. facility.

26 (h) All permits shall expire on April 30 of each year and are non-transferrable.

27 ~~(h)(i)~~ Plans and specifications for proposed new construction or remodeling construction, expansion of operations, or
28 changes in operating processes shall be submitted to the Division for review and approval. approval prior to beginning
29 construction or making a change.

30 ~~(i)(j)~~ A permit may be revoked or suspended pursuant to G.S. 130A-23, in accordance with 15A NCAC 03O .0504.

31
32 *History Note:* Authority G.S. 130A-230; 113-134; 113-182; 113-221.2; 143B-289.52;

33 Eff. February 1, 1987;

34 Amended Eff. April 1, 1997;

35 Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).

1 15A NCAC 18A .0303 is repealed through readoption as published in 36:07 NCR 510 as follows:

2

3 **15A NCAC 18A .0303 RELAYING PERMITS**

4

5 *History Note: Authority G.S. 130A-230;*

6 *Eff. February 1, 1987;*

7 *Amended Eff. September 1, 1990;*

8 *Repealed Eff. (Pending legislative review of 15A NCAC 03K .0104).*

1 15A NCAC 18A .0304 is repealed through readoption as published in 36:07 NCR 511 as follows:

2
3 **15A NCAC 18A .0304 DEPURATION HARVESTING PERMITS**

4
5 *History Note: Authority G.S. 130A-230;*

6 *Eff. February 1, 1987;*

7 *Amended Eff. September 1, 1990;*

8 *Repealed Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Marine Fisheries Commission

RULE CITATION: 15A NCAC 18A .0425

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 (a)(3), lines 13-14, I think it would be clearer if the item was structured in an itemized list, such as:

- (3) the harvest date;*
- (A) if depurated . . . ;*
- (B) if wet stored . . . ;*

If you're unwilling to make that change, please delete the comma on line 14 between "date" and "and".

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

1 15A NCAC 18A .0425 is readopted as published in 36:07 NCR 511 as follows:

2
3 **15A NCAC 18A .0425 TAGGING DEALER TAGS**

4 (a) ~~In order that information may be available to the Division with reference to the origin of shellstock, Consistent~~
5 ~~with the rules of this Section, it shall be unlawful to possess containers holding shellstock shall be identified with~~
6 ~~without a uniform dealer tag or label affixed after the shellstock is processed or shipped by the initial certified shellfish~~
7 ~~dealer. The tag shall be durable, waterproof-waterproof, and measure at least 2 5/8 by 5 1/4 inches (6.7 by 13.3~~
8 ~~centimeters)-a minimum of two and five-eighths inches by five and one-fourth inches in size. The It shall be unlawful~~
9 ~~for the tag shall to fail to~~ contain legible information arranged in the specific order as follows:

- 10 (1) the dealer's name, ~~address-address~~, and certification number assigned by the appropriate shellfish
11 control agency;
- 12 (2) the original shipper's certification number;
- 13 (3) the harvest ~~date;date~~, or if depurated, the date of depuration processing, or if wet stored, the original
14 harvest date, and the final harvest date, which is the date removed from wet storage;
- 15 (4) if wet stored or depurated, the wet storage or depuration cycle or lot number. The wet storage lot
16 number shall begin with the letter "W";
- 17 (4)(5) ~~the harvest location, including the country or state abbreviation;~~the most precise identification of
18 the harvest location as is practicable, including the initials of the state of harvest, and the state or
19 local shellfish control authority's designation of the growing area by indexing, administrative, or
20 geographic designation. If the authority in another state has not indexed growing areas, then a
21 geographical or administrative designation shall be used (e.g., Long Bay, shellfish lease or franchise
22 number, or lot number);
- 23 (5) ~~when the shellstock has been in wet storage, the statement "THIS PRODUCT WAS IN WET~~
24 ~~STORAGE AT (FACILITY CERTIFICATION NUMBER) FROM (DATE) TO (DATE)";~~
- 25 (6) the type and quantity of ~~shellfish;shellstock~~;
- 26 (7) the following ~~statement shall appear-statements~~ in ~~bold-bold~~, capitalized type font:
27 (A) "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND
28 THEREAFTER KEPT ON ~~FILE-FILE~~, IN CHRONOLOGICAL ORDER, FOR 90
29 ~~DAYS;"-DAYS."~~; and
30 (B) "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD
31 OR SERVED (INSERT DATE) _____.";
- 32 (8) the following statement, or ~~equivalent~~, equivalent:
33 "Consumer Advisory
34 Eating raw oysters, ~~clams-clams~~, or mussels may cause severe illness. People with the following
35 conditions are at especially high risk: liver disease, alcoholism, diabetes, cancer, stomach or blood
36 disorder, or weakened immune system. Ask your doctor if you are unsure of your risk. If you eat
37 raw shellfish and become sick, see a doctor ~~immediately~~."immediately."; and

1 (9) the following statement, or equivalent:

2 "Keep Refrigerated".

3 (b) The ~~uniform-dealer~~ tag or label shall remain attached to the shellstock container until the container is empty and
4 thereafter shall be kept on ~~file-file~~, in chronological order, for 90 days.

5 ~~(c) All shellstock from a depuration facility must be identified as having been cleansed by a depuration facility~~
6 ~~identified by a name and permit number on the tag.~~

7
8 *History Note: Authority G.S. ~~1304-230~~; 113-134; 113-182; 113-221.2; 143B-289.52;*

9 *Eff. February 1, 1987;*

10 *Amended Eff. April 1, 1997; January 4, 1994; December 1, 1987;*

11 *Temporary Amendment Eff. October 12, 1998; February 1, 1998;*

12 *Amended Eff. April 1, 1999;*

13 *Readopted Eff. (Pending legislative review pursuant to S.L. 2019-198).*

1 15A NCAC 18A .0912 is repealed through readoption as published in 36:07 NCR 511 as follows:

2

3 **15A NCAC 18A .0912 SHELLFISH MANAGEMENT AREAS**

4

5 *History Note: Authority G.S. 130A-230;*

6 *Eff. June 1, 1989;*

7 *Repealed Eff. May 1, 2022.*

Burgos, Alexander N

Subject: FW: [External] Question regarding a rule change 12 NCAC 32B .1303 base on a Statute change
Attachments: 21 NCAC 32B.1303-technical changes(2).docx; GS_90-9.1.pdf; GS_90-9.2.pdf

From: Wanda Long <Wanda.Long@NCMEDBOARD.ORG>
Sent: Wednesday, April 20, 2022 4:47 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Question regarding a rule change 12 NCAC 32B .1303 base on a Statute change

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Mr. Duke,

Thank you so much for your reply. We have reviewed the 90-9.1 and determined that our rule includes specialty boards that are not listed in the statute [which is allowed in 90-9.1(2)(c)]. Therefore, we would request that you allow us to leave the rule as written, but simply change three to two on line 1 of page 2.

Thank you for your help.

Wanda

From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Wednesday, April 20, 2022 3:13 PM
To: Wanda Long <Wanda.Long@NCMEDBOARD.ORG>
Cc: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Question regarding a rule change 12 NCAC 32B .1303 base on a Statute change

Ms. Long,

Thank you for bringing this to my attention. Because the three requirements of 21 NCAC 32B .1303(a)(9)(A) through (C) are each enumerated in statute, the best practice for rulemaking would be to remove (A), (B), and (C). You could simply state : (9) submit proof that the applicant has completed graduate medical education as required by G.S. 90-9.1 or 90-9.2;

If you are able to make this changes, the rule can be handled tomorrow at the meeting.

Let me know.

Thanks,

Lawrence Duke

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

From: Wanda Long <Wanda.Long@NCMEDBOARD.ORG>

Sent: Wednesday, April 20, 2022 12:16 PM

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

Cc: Marcus B. Jimison <Marcus.Jimison@NCMEDBOARD.ORG>

Subject: [External] Question regarding a rule change 12 NCAC 32B .1303 base on a Statute change

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Good afternoon Mr. Duke.

Would you please provide us with some guidance? While reviewing 21 NCAC 32B .1303 (which is being considered at the RRC meeting this month), we realized that 32B .1303(a)(9)(B) states 3 years needs to be 2 years. NCGS 90-9.2(a)(1) was changed (maybe 3 years ago – not sure) to make the international PGT requirement 2 years (from the prior 3 years). That has not been changed in the rule. Here is the law:

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_90.html

Do we need to go through full rule-making process (public hearing, comment period)? We are happy to do that, I just wanted to make sure there wasn't a shorter way.

Thank you for your help.

Wanda A. Long, NCCP

Paralegal, Legal Department

Victim Services Coordinator

North Carolina Medical Board

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21 NCAC 32B .1303 is amended, **with changes**, as published in 36.13 NCR 1142-1145 as follows:

21 NCAC 32B .1303 APPLICATION FOR PHYSICIAN LICENSE

(a) In order to obtain a physician license, an applicant shall:

- (1) submit a completed application, attesting under oath or affirmation that the information on the application is true and complete and authorizing the release to the Board of all information pertaining to the application;
- (2) submit a **photograph that shows a front view of [your] the applicant's face;** ~~photograph, two inches by two inches, affixed to the oath or affirmation that has been attested to by a notary public;~~
- (3) submit documentation of a legal name change, if applicable;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status that the Board will use to verify applicant's ability to work lawfully in the U.S.;
- (5) submit proof on the Board's Medical Education Certification form that the applicant has completed at least 130 weeks of medical education and received a medical degree. However, the Board shall waive the 130-week requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS, or AOA approved specialty board within the past 10 years;
- (6) for an applicant who has graduated from a medical or osteopathic school approved by the LCME, the CACMS, or COCA, meet the requirements set forth in G.S. 90-9.1;
- (7) for an applicant graduating from a medical school not approved by the LCME, meet the requirements set forth in G.S. 90-9.2;
- (8) provide proof of passage of an examination testing ~~general~~ medical knowledge. In addition to the examinations set forth in G.S. 90-10.1 (~~a state board licensing examination, NBME, USMLE, FLEX, or their successors~~), the Board accepts the following examinations (or their successors) for licensure:
 - (A) COMLEX;
 - ~~(B) NBOME; and~~
 - ~~(B)(C) MCCQE; and~~
 - (C) Current certification or current recertification by an ABMS, CCFP, FRCP, FRCS, AOA, **[ABOMS] ABOMS,** or other Board approved speciality **[board.] board:**
- (9) submit proof that the applicant has completed graduate medical education as required by G.S. 90-9.1 or 90-9.2, as follows:
 - (A) A graduate of a medical school approved by LCME, CACMS, or COCA shall have completed at least one year of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA;

- (B) A graduate of a medical school not approved by LCME shall have completed ~~three~~ two years of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA;
- (C) An applicant may satisfy the graduate medical education requirements of Parts (A) or (B) of this Subparagraph by showing proof of current certification by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, or AOA;
- (10) submit a FCVS profile:
- (A) If the applicant is a graduate of a medical school approved by LCME, CACMS, or COCA, and the applicant previously has completed a FCVS profile; or
- (B) If the applicant is a graduate of a medical school other than those approved by LCME, COCA, or CACMS;
- (11) if a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS, furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if: the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);
- (12) submit an AMA Physician Profile and, if the applicant is an osteopathic physician, also submit an AOA Physician Profile;
- (13) if applying on the basis of the USMLE, submit:
- (A) a transcript from the FSMB showing a score on USMLE Step 1, ~~both portions of Step 2~~ Step 2, ~~(clinical knowledge and clinical skills)~~ and Step 3; and
- (B) proof that the applicant has passed each step within three attempts. However, the Board shall waive the three-attempt requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS, AOA, American Board of Oral Maxillofacial Surgery ("ABOMS") approved specialty board within the past 10 years;
- (14) if applying on the basis of COMLEX, submit:
- (A) a transcript from the NBOME showing a score on COMLEX Level 1, ~~both portions of Level 2 (cognitive and performance evaluation)~~ evaluation, and Level 3; and
- (B) proof that the applicant has passed COMLEX within three attempts. However, the Board shall waive the three-attempt requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS, AOA, or ABOMS approved specialty board within the past 10 years;
- (15) if applying on the basis of any other board-approved examination, submit a transcript showing a passing score;
- (16) submit two completed fingerprint record cards; ~~cards supplied by the Board;~~
- (17) submit a signed consent allowing a search of local, state, and national files for any criminal record;
- (18) provide two original references from persons with no family or marital relationship to the applicant. These references shall be:

- (A) from physicians who have observed the applicant's work in a clinical environment within the past three years;
- (B) on forms supplied by the Board;
- (C) dated within six months of the submission of the application; and
- (D) bearing the original signature of the writer;
- (19) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and
- (20) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.
- (b) In addition to the requirements of Paragraph (a) of this Rule, the applicant shall submit proof that the applicant has:
- (1) within the past 10 years taken and passed either:
- (A) an exam listed in G.S. 90-10.1 (a state board licensing examination, NBOME, USMLE, COMLEX, or MCCQE or their successors);
- (B) SPEX (with a score of 75 or higher); or
- (C) COMVEX (with a score of 75 or higher);
- (2) within the past 10 years:
- (A) obtained certification or recertification or CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, AOA or American Board of Maxillofacial Surgery;
- (B) met requirements for ABMS MOC (maintenance of certification) or AOA OCC (Osteopathic continuous certification);
- (3) within the past 10 years completed GME approved by ACGME, CFPC, RCPSC, or AOA; or
- (4) within the past three years completed CME as required by 21 NCAC 32R .0101(a), .0101(b), and .0102.
- (c) All reports must be submitted directly to the Board from the primary source.
- (d) An applicant shall appear in person for an interview with the Board or its agent, if the Board determines it needs more information to evaluate the applicant based on the information provided by the applicant and the Board's concerns.
- (e) An application must be completed within one year of submission. If not, the applicant shall be charged another application fee, plus the cost of another criminal background check.

History note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-9.1; 90-9.2; 90-13.1;

Eff. August 1, 2010;

Amended Eff. December 1, 2013; January 1, 2012; November 1, 2011; October 1, 2011;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;

Amended Eff. May 1, 2022; July 1, 2019.

21 NCAC 32B .1350 is amended, **with changes**, as published in 36.13 NCR 1145-1146 as follows:

21 NCAC 32B .1350 REINSTATEMENT OF PHYSICIAN LICENSE

(a) "Reinstatement" is for a physician who has held a North Carolina license, but whose license either has been inactive for more than one year, or whose license became inactive as a result of disciplinary action (revocation or suspension) taken by the Board. It also applies to a physician who has surrendered a license prior to charges being filed by the Board.

(b) All applicants for reinstatement shall:

(1) submit a completed application, ~~that can be found on the Board's website in the application section at <http://www.ncmedboard.org/licensing>~~, attesting under oath or affirmation that information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

(2) submit a photograph that shows a front view of **[your] the applicant's face**;

~~(2)~~(3) submit documentation of a legal name change, if applicable;

~~(3)~~(4) supply a ~~certified~~ copy of the applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant shall provide information about the applicant's immigration status that the Board shall use to verify the applicant's legal presence in the U.S. Applicants who are not physically present in the U.S. and who do not plan to practice by being physically present in the U.S. shall submit a written statement to that effect;

~~(4)~~(5) furnish an original ECFMG certification status report of a currently valid certification of the ECFMG if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS. The ECFMG certification status report requirement shall be waived if: the applicant has passed the ECFMG examination and completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);

~~(5) — submit the AMA Physician Profile; and, if the applicant is an osteopathic physician, also submit the AOA Physician Profile;~~

(6) submit documentation of CME obtained in the last three years;

(7) submit two completed fingerprint cards ~~supplied by the Board~~;

(8) submit a signed consent allowing a search of local, state, and national files to disclose any criminal record;

(9) provide two original references from persons with no family or marital relationship to the applicant. These references shall be:

(A) from physicians who have observed the applicant's work in a clinical environment within the past three years;

(B) on forms supplied by the Board;

(C) dated within six months of submission of the application; and

- (D) bearing the original signature of the author;
- (10) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and
- (11) upon request, provide any additional information the Board deems necessary to evaluate the applicant's qualifications.
- (c) In addition to the requirements of Paragraph (b) of this Rule, the applicant shall submit proof that the applicant has:
- (1) within the past 10 years taken and passed either:
- (A) an exam listed in G.S. 90-10.1 (a state board licensing examination, NBOME, USMLE, COMLEX, or MCCQE or their successors);
- (B) SPEX (with a score of 75 or higher); or
- (C) COMLEX (with a score of 75 or higher);
- (2) within the past ten years:
- (A) obtained certification or recertification of CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, AOA, or American Board of Oral Maxillofacial Surgery;
- (B) met requirements for ABMS MOC (maintenance of certification) or AOA OCC (Osteopathic continuous certification);
- (3) within the past 10 years completed GME approved by ACGME, CFPC, RCPSC or AOA; or
- (4) within the past three years completed CME as required by 21 NCAC 32R .0101(a), .0101(b), and .0102.
- (d) All reports shall be submitted directly to the Board from the primary source.
- (e) An applicant shall be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character if the Board determines it needs more information to evaluate the applicant based on the information provided by the applicant and the Board's concerns.
- (f) An application must be complete within one year of submission. If not, the applicant shall be charged another application fee plus the cost of another criminal background check.
- (g) Notwithstanding the provisions of this Rule, the licensure requirements established by rule at the time the applicant first received his or her equivalent North Carolina license shall apply. Information about these Rules is available from the Board.

History Note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-9.1; 90-10.1; 90-13.1;
Eff. August 1, 2010;
Amended Eff. September 1, 2014; November 1, 2013; November 1, 2011;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,
2016;
Amended Eff. May 1, 2022; July 1, 2019.

21 NCAC 32B .1402 is amended, with changes, as published in 36.13 NCR 1146 as follows:

21 NCAC 32B .1402 APPLICATION FOR RESIDENT'S TRAINING LICENSE

(a) In order to obtain a Resident's Training License, an applicant shall:

- (1) submit a completed application which can be found on the Board's website in the application section at <http://www.nemedboard.org/licensing>, application, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) submit a photograph that shows a front view of [your] the applicant's face; photograph, two inches by two inches, affixed to the oath or affirmation which has been attested to by a notary public;
- (4) submit proof on the Board's Medical Education Certification form that the applicant has completed at least 130 weeks of medical education; education to P.O. Box 20007, Raleigh, NC 27619 or license@nemedboard.org.
- (5) furnish an original ECFMG certification status report of a currently valid ECFMG certification if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS. The ECFMG certification status report requirement shall be waived ~~if:~~
 - ~~(A) if the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (the applicant shall provide an ECFMG score transcript from the ECFMG); or~~
 - ~~(B) the applicant has been licensed in another state on the basis of a written examination before the establishment of the ECFMG in 1958;~~
- (6) submit an appointment letter from the program director of the GME program or his or her appointed agent verifying the applicant's appointment and commencement date;
- (7) submit two completed fingerprint record cards; cards supplied by the Board to P.O. Box 20007, Raleigh, NC 27619;
- (8) submit a signed consent form allowing a search of local, state, and national files for any criminal record; record to P.O. Box 20007, Raleigh, NC 27619.
- (9) pay a non-refundable fee pursuant to G.S. 90-13.1(b), plus the cost of a criminal background check;
- (10) provide proof that the applicant has taken and passed within three attempts:
 - (A) COMLEX Level 1, ~~each component of~~ COMLEX Level 2 (cognitive ~~evaluation and performance~~ evaluation) and, if taken, COMLEX Level 3; or
 - (B) USMLE Step 1, ~~each component of~~ USMLE Step 2 (Clinical Knowledge) ~~Knowledge and Clinical Skills~~ and, if taken USMLE Step 3; or
 - (C) MCCQE Part 1 and, if taken, MCCQE Pat 2;

- 1 (11) In the event any of the above required information should indicate a concern about the applicant's
2 qualifications, upon request, the applicant shall supply any additional information the Board deems
3 necessary to evaluate the applicant's competence and character.
- 4 (b) In the event any of the above required information should indicate a concern about the applicant's qualifications,
5 an applicant shall be required to appear in person for an interview with the Board or its agent to evaluate the applicant's
6 competence and character, if the Board needs more information to complete the application.
- 7 (c) If the applicant previously held a North Carolina residency training license, the licensure requirements
8 established by rule at the time the applicant first received his or her North Carolina residency training license shall
9 apply. Information about these Rules is available from the Board.

10

11 *History Note:* *Authority G.S. 90-8.1; 90-12.01; 90-13.1; 90-14(a);*
12 *Eff. August 1, 2010;*
13 *Amended Eff. January 1, 2016; September 1, 2014; November 1, 2013; August 1, 2012; November*
14 *1, 2011;*
15 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. ~~March 1,~~*
16 *~~2016.~~ March 1, 2016;*
17 *Amended Eff. May 1, 2022.*
18
19

21 NCAC 32S .0213 is amended, **with changes**, as published in 36.13 NCR 1146-1147 as follows:

21 NCAC 32S .0213 PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS

(a) A physician wishing to serve as a primary supervising physician shall exercise supervision of the physician assistant in accordance with rules adopted by the Board.

(b) A physician assistant may perform medical acts, tasks, or functions only under the supervision of a physician. Supervision shall be continuous but, except as otherwise provided in the rules of this Subchapter, shall not be construed as requiring the physical presence of the supervising physician at the time and place that the services are rendered.

(c) Each team of physician(s) and physician assistant(s) shall ensure:

- (1) the physician assistant's scope of practice is identified;
- (2) delegation of medical tasks is appropriate to the skills of the supervising physician(s) as well as the physician assistant's level of competence;
- (3) the relationship of, and access to, each supervising physician is defined; and
- (4) a process for evaluation of the physician assistant's performance is established.

(d) Each supervising physician and physician assistant shall sign a statement, as defined in Rule .0201(9) of this Subchapter, that describes the supervisory arrangements in all settings. The physician assistant shall maintain written prescribing instructions at each site. This statement shall be kept on file at all practice sites, and shall be available upon request by the Board.

(e) A primary supervising physician and a physician assistant in a new practice arrangement shall meet monthly for the first six months to discuss practice relevant clinical issues and quality improvement measures. Thereafter, the primary supervising physician and the physician assistant shall meet at least once every six months. A written record of these meetings shall be signed and dated by both the supervising physician and the physician assistant, and shall be available upon request by the Board. The written record shall include a description of the relevant clinical issues discussed and the quality improvement measures taken.

(f) Physician assistants enrolled and participating in a postgraduate training program shall designate on their intent to practice form as required by ~~rule~~ Rule .0203 of this Subchapter a single physician as their primary supervising physician as determined by the postgraduate training program. For purposes of this Rule, a postgraduate training program shall mean a professional development program of at least 12 months sponsored or co-sponsored by a licensed hospital and healthcare system in which the participants rotate through at least three or more distinct medical specialties. As the participants rotate through the program's various specialties, all other supervising physicians shall be designated as ~~a~~ **Back-Up Supervising Physicians.**

History Note: Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1;

Eff. September 1, 2009;

Amended Eff. May 1, 2015;

*Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. ~~March 1,~~
2016. March 1, 2016.*

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Amended Eff. May 1, 2022.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Medical Board

RULE CITATION: 21 NCAC 32B .1303

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 Subparagraph (a)(2), please consider rephrasing to eliminate the “your”. Perhaps, stating it: “submit a photograph that shows a front view of the applicant’s face,” or “submit a photograph that shows the front of the applicant’s face;”.

In Part (a)(8)(C), please change the period at the end of that Part to a semicolon.

Also in Part (a)(8)(C), please add an oxford comma after “ABOMS”.

In Part (a)(13)(A), please add an oxford comma after “Step 2”.

In Part (a)(14)(A), please add an oxford comma after “Level 2 (cognitive evaluation)”.

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 7, 2022

21 NCAC 32B .1303 is amended as published in 36.13 NCR 1142-1145 as follows:

21 NCAC 32B .1303 APPLICATION FOR PHYSICIAN LICENSE

(a) In order to obtain a physician license, an applicant shall:

- (1) submit a completed application, attesting under oath or affirmation that the information on the application is true and complete and authorizing the release to the Board of all information pertaining to the application;
- (2) submit a photograph that shows a front view of your face; ~~photograph, two inches by two inches, affixed to the oath or affirmation that has been attested to by a notary public;~~
- (3) submit documentation of a legal name change, if applicable;
- (4) supply a certified copy of applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant must provide information about applicant's immigration and work status that the Board will use to verify applicant's ability to work lawfully in the U.S.;
- (5) submit proof on the Board's Medical Education Certification form that the applicant has completed at least 130 weeks of medical education and received a medical degree. However, the Board shall waive the 130-week requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS, or AOA approved specialty board within the past 10 years;
- (6) for an applicant who has graduated from a medical or osteopathic school approved by the LCME, the CACMS, or COCA, meet the requirements set forth in G.S. 90-9.1;
- (7) for an applicant graduating from a medical school not approved by the LCME, meet the requirements set forth in G.S. 90-9.2;
- (8) provide proof of passage of an examination testing ~~general~~ medical knowledge. In addition to the examinations set forth in G.S. 90-10.1 (~~a state board licensing examination, NBME, USMLE, FLEX, or their successors~~), the Board accepts the following examinations (or their successors) for licensure:
 - (A) COMLEX;
 - ~~(B) NBOME; and~~
 - ~~(B)(C) MCCQE; and~~
 - (C) Current certification or current recertification by an ABMS, CCFP, FRCP, FRCS, AOA, ABOMS or other Board approved speciality board.
- (9) submit proof that the applicant has completed graduate medical education as required by G.S. 90-9.1 or 90-9.2, as follows:
 - (A) A graduate of a medical school approved by LCME, CACMS, or COCA shall have completed at least one year of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA;

- (B) A graduate of a medical school not approved by LCME shall have completed three years of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA;
- (C) An applicant may satisfy the graduate medical education requirements of Parts (A) or (B) of this Subparagraph by showing proof of current certification by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, or AOA;
- (10) submit a FCVS profile:
- (A) If the applicant is a graduate of a medical school approved by LCME, CACMS, or COCA, and the applicant previously has completed a FCVS profile; or
- (B) If the applicant is a graduate of a medical school other than those approved by LCME, COCA, or CACMS;
- (11) if a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS, furnish an original ECFMG certification status report of a currently valid certification of the ECFMG. The ECFMG certification status report requirement shall be waived if: the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);
- (12) submit an AMA Physician Profile and, if the applicant is an osteopathic physician, also submit an AOA Physician Profile;
- (13) if applying on the basis of the USMLE, submit:
- (A) a transcript from the FSMB showing a score on USMLE Step 1, ~~both portions of Step 2 (clinical knowledge and clinical skills)~~ and Step 3; and
- (B) proof that the applicant has passed each step within three attempts. However, the Board shall waive the three-attempt requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS, AOA, American Board of Oral Maxillofacial Surgery ("ABOMS") approved specialty board within the past 10 years;
- (14) if applying on the basis of COMLEX, submit:
- (A) a transcript from the NBOME showing a score on COMLEX Level 1, ~~both portions of Level 2 (cognitive cognitive evaluation and performance evaluation)~~ and Level 3; and
- (B) proof that the applicant has passed COMLEX within three attempts. However, the Board shall waive the three-attempt requirement if the applicant has been certified or recertified by an ABMS, CCFP, FRCP, FRCS, AOA, or ABOMS approved specialty board within the past 10 years;
- (15) if applying on the basis of any other board-approved examination, submit a transcript showing a passing score;
- (16) submit two completed fingerprint record cards; ~~cards supplied by the Board;~~
- (17) submit a signed consent allowing a search of local, state, and national files for any criminal record;
- (18) provide two original references from persons with no family or marital relationship to the applicant. These references shall be:

- (A) from physicians who have observed the applicant's work in a clinical environment within the past three years;
- (B) on forms supplied by the Board;
- (C) dated within six months of the submission of the application; and
- (D) bearing the original signature of the writer;
- (19) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and
- (20) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character.
- (b) In addition to the requirements of Paragraph (a) of this Rule, the applicant shall submit proof that the applicant has:
- (1) within the past 10 years taken and passed either:
- (A) an exam listed in G.S. 90-10.1 (a state board licensing examination, NBOME, USMLE, COMLEX, or MCCQE or their successors);
- (B) SPEX (with a score of 75 or higher); or
- (C) COMVEX (with a score of 75 or higher);
- (2) within the past 10 years:
- (A) obtained certification or recertification or CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, AOA or American Board of Maxillofacial Surgery;
- (B) met requirements for ABMS MOC (maintenance of certification) or AOA OCC (Osteopathic continuous certification);
- (3) within the past 10 years completed GME approved by ACGME, CFPC, RCPSC, or AOA; or
- (4) within the past three years completed CME as required by 21 NCAC 32R .0101(a), .0101(b), and .0102.
- (c) All reports must be submitted directly to the Board from the primary source.
- (d) An applicant shall appear in person for an interview with the Board or its agent, if the Board determines it needs more information to evaluate the applicant based on the information provided by the applicant and the Board's concerns.
- (e) An application must be completed within one year of submission. If not, the applicant shall be charged another application fee, plus the cost of another criminal background check.

History note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-9.1; 90-9.2; 90-13.1;
Eff. August 1, 2010;
Amended Eff. December 1, 2013; January 1, 2012; November 1, 2011; October 1, 2011;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,
2016;
Amended Eff. May 1, 2022; July 1, 2019.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Medical Board

RULE CITATION: 21 NCAC 32B .1350

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 Subparagraph (b)(2), please consider rephrasing to eliminate the “your”. Perhaps, stating it: “submit a photograph that shows a front view of the applicant’s face,” or “submit a photograph that shows the front of the applicant’s face;”.

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 7, 2022

21 NCAC 32B .1350 is amended as published in 36.13 NCR 1145-1146 as follows:

21 NCAC 32B .1350 REINSTATEMENT OF PHYSICIAN LICENSE

(a) "Reinstatement" is for a physician who has held a North Carolina license, but whose license either has been inactive for more than one year, or whose license became inactive as a result of disciplinary action (revocation or suspension) taken by the Board. It also applies to a physician who has surrendered a license prior to charges being filed by the Board.

(b) All applicants for reinstatement shall:

- (1) submit a completed application, ~~that can be found on the Board's website in the application section at <http://www.ncmedboard.org/licensing>~~, attesting under oath or affirmation that information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit a photograph that shows a front view of your face;
- ~~(2)(3)~~ submit documentation of a legal name change, if applicable;
- ~~(3)(4)~~ supply a ~~certified~~ copy of the applicant's birth certificate if the applicant was born in the U.S. or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of U.S. citizenship, the applicant shall provide information about the applicant's immigration status that the Board shall use to verify the applicant's legal presence in the U.S. Applicants who are not physically present in the U.S. and who do not plan to practice by being physically present in the U.S. shall submit a written statement to that effect;
- ~~(4)(5)~~ furnish an original ECFMG certification status report of a currently valid certification of the ECFMG if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS. The ECFMG certification status report requirement shall be waived if: the applicant has passed the ECFMG examination and completed an approved Fifth Pathway program (original ECFMG score transcript from the ECFMG required);
- ~~(5) — submit the AMA Physician Profile; and, if the applicant is an osteopathic physician, also submit the AOA Physician Profile;~~
- (6) submit documentation of CME obtained in the last three years;
- (7) submit two completed fingerprint cards ~~supplied by the Board;~~
- (8) submit a signed consent allowing a search of local, state, and national files to disclose any criminal record;
- (9) provide two original references from persons with no family or marital relationship to the applicant. These references shall be:
 - (A) from physicians who have observed the applicant's work in a clinical environment within the past three years;
 - (B) on forms supplied by the Board;
 - (C) dated within six months of submission of the application; and

- (D) bearing the original signature of the author;
- (10) pay to the Board a non-refundable fee pursuant to G.S. 90-13.1(a), plus the cost of a criminal background check; and
- (11) upon request, provide any additional information the Board deems necessary to evaluate the applicant's qualifications.
- (c) In addition to the requirements of Paragraph (b) of this Rule, the applicant shall submit proof that the applicant has:
- (1) within the past 10 years taken and passed either:
- (A) an exam listed in G.S. 90-10.1 (a state board licensing examination, NBOME, USMLE, COMLEX, or MCCQE or their successors);
- (B) SPEX (with a score of 75 or higher); or
- (C) COMLEX (with a score of 75 or higher);
- (2) within the past ten years:
- (A) obtained certification or recertification of CAQ by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, AOA, or American Board of Oral Maxillofacial Surgery;
- (B) met requirements for ABMS MOC (maintenance of certification) or AOA OCC (Osteopathic continuous certification);
- (3) within the past 10 years completed GME approved by ACGME, CFPC, RCPSC or AOA; or
- (4) within the past three years completed CME as required by 21 NCAC 32R .0101(a), .0101(b), and .0102.
- (d) All reports shall be submitted directly to the Board from the primary source.
- (e) An applicant shall be required to appear in person for an interview with the Board or its agent to evaluate the applicant's competence and character if the Board determines it needs more information to evaluate the applicant based on the information provided by the applicant and the Board's concerns.
- (f) An application must be complete within one year of submission. If not, the applicant shall be charged another application fee plus the cost of another criminal background check.
- (g) Notwithstanding the provisions of this Rule, the licensure requirements established by rule at the time the applicant first received his or her equivalent North Carolina license shall apply. Information about these Rules is available from the Board.

History Note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-9.1; 90-10.1; 90-13.1;
Eff. August 1, 2010;
Amended Eff. September 1, 2014; November 1, 2013; November 1, 2011;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,
2016;
Amended Eff. May 1, 2022; July 1, 2019.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Medical Board

RULE CITATION: 21 NCAC 32B .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:

Please use language in Subparagraph (a)(1) that is consistent with the language used to express the same requirement in Rule .1350(b)(1).

In Subparagraph (a)(3), please consider rephrasing to eliminate the “your”. Perhaps, stating it: “submit a photograph that shows a front view of the applicant’s face;” or “submit a photograph that shows the front of the applicant’s face;”.

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 7, 2022

21 NCAC 32B .1402 is amended as published in 36.13 NCR 1146 as follows:

21 NCAC 32B .1402 APPLICATION FOR RESIDENT'S TRAINING LICENSE

(a) In order to obtain a Resident's Training License, an applicant shall:

- (1) submit a completed application which can be found on the Board's website in the application ~~section~~ at ~~http://www.nemedboard.org/licensing~~, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;
- (2) submit documentation of a legal name change, if applicable;
- (3) submit a photograph that shows a front view of your face; ~~photograph, two inches by two inches, affixed to the oath or affirmation which has been attested to by a notary public;~~
- (4) submit proof on the Board's Medical Education Certification form that the applicant has completed at least 130 weeks of medical education; ~~education to P.O. Box 20007, Raleigh, NC 27619 or license@nemedboard.org.~~
- (5) furnish an original ECFMG certification status report of a currently valid ECFMG certification if the applicant is a graduate of a medical school other than those approved by LCME, AOA, COCA, or CACMS. The ECFMG certification status report requirement shall be waived ~~if~~:
 - (A) ~~if~~ the applicant has passed the ECFMG examination and successfully completed an approved Fifth Pathway program (the applicant shall provide an ECFMG score transcript from the ECFMG); ~~or~~
 - (B) ~~the applicant has been licensed in another state on the basis of a written examination before the establishment of the ECFMG in 1958;~~
- (6) submit an appointment letter from the program director of the GME program or his or her appointed agent verifying the applicant's appointment and commencement date;
- (7) submit two completed fingerprint record cards; ~~cards supplied by the Board to P.O. Box 20007, Raleigh, NC 27619;~~
- (8) submit a signed consent form allowing a search of local, state, and national files for any criminal record; ~~record to P.O. Box 20007, Raleigh, NC 27619.~~
- (9) pay a non-refundable fee pursuant to G.S. 90-13.1(b), plus the cost of a criminal background check;
- (10) provide proof that the applicant has taken and passed within three attempts:
 - (A) COMLEX Level 1, ~~each component of~~ COMLEX Level 2 (cognitive ~~evaluation and performance~~ evaluation) and, if taken, COMLEX Level 3; or
 - (B) USMLE Step 1, ~~each component of~~ USMLE Step 2 (Clinical Knowledge) ~~Knowledge and Clinical Skills~~ and, if taken USMLE Step 3; or
 - (C) MCCQE Part 1 and, if taken, MCCQE Pat 2;

1 (11) In the event any of the above required information should indicate a concern about the applicant's
2 qualifications, upon request, the applicant shall supply any additional information the Board deems
3 necessary to evaluate the applicant's competence and character.

4 (b) In the event any of the above required information should indicate a concern about the applicant's qualifications,
5 an applicant shall be required to appear in person for an interview with the Board or its agent to evaluate the applicant's
6 competence and character, if the Board needs more information to complete the application.

7 (c) If the applicant previously held a North Carolina residency training license, the licensure requirements
8 established by rule at the time the applicant first received his or her North Carolina residency training license shall
9 apply. Information about these Rules is available from the Board.

10
11 *History Note: Authority G.S. 90-8.1; 90-12.01; 90-13.1; 90-14(a);*

12 *Eff. August 1, 2010;*

13 *Amended Eff. January 1, 2016; September 1, 2014; November 1, 2013; August 1, 2012; November*
14 *1, 2011;*

15 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. ~~March 1,~~*
16 *~~2016.~~ March 1, 2016;*

17 *Amended Eff. May 1, 2022.*
18
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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Medical Board

RULE CITATION: 21 NCAC 32S .0213

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 (f), when referring to a specific rule, please capitalize the "R". On line 26, it should read "Rule .0203 of this Subchapter".

In the final sentence of Paragraph (f), when you state "As the participants rotate through the program's various specialties, all other supervising physicians shall be designated as backups.", what is meant by "backups"? Can this sentence be clarified?

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 7, 2022

21 NCAC 32S .0213 is amended with changes as published in 36.13 NCR 1146-1147 as follows:

21 NCAC 32S .0213 PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS

(a) A physician wishing to serve as a primary supervising physician shall exercise supervision of the physician assistant in accordance with rules adopted by the Board.

(b) A physician assistant may perform medical acts, tasks, or functions only under the supervision of a physician. Supervision shall be continuous but, except as otherwise provided in the rules of this Subchapter, shall not be construed as requiring the physical presence of the supervising physician at the time and place that the services are rendered.

(c) Each team of physician(s) and physician assistant(s) shall ensure:

- (1) the physician assistant's scope of practice is identified;
- (2) delegation of medical tasks is appropriate to the skills of the supervising physician(s) as well as the physician assistant's level of competence;
- (3) the relationship of, and access to, each supervising physician is defined; and
- (4) a process for evaluation of the physician assistant's performance is established.

(d) Each supervising physician and physician assistant shall sign a statement, as defined in Rule .0201(9) of this Subchapter, that describes the supervisory arrangements in all settings. The physician assistant shall maintain written prescribing instructions at each site. This statement shall be kept on file at all practice sites, and shall be available upon request by the Board.

(e) A primary supervising physician and a physician assistant in a new practice arrangement shall meet monthly for the first six months to discuss practice relevant clinical issues and quality improvement measures. Thereafter, the primary supervising physician and the physician assistant shall meet at least once every six months. A written record of these meetings shall be signed and dated by both the supervising physician and the physician assistant, and shall be available upon request by the Board. The written record shall include a description of the relevant clinical issues discussed and the quality improvement measures taken.

(f) Physician assistants enrolled and participating in a postgraduate training program shall designate on their intent to practice form as required by rule .0203 of this Subchapter a single physician as their primary supervising physician as determined by the postgraduate training program. For purposes of this Rule, a postgraduate training program shall mean a professional development program of at least 12 months sponsored or co-sponsored by a licensed hospital and healthcare system in which the participants rotate through at least three or more distinct medical specialties. As the participants rotate through the program's various specialties, all other supervising physicians shall be designated as ~~the~~ backups.

History Note: Authority G.S. 90-9.3; 90-18(c)(13); 90-18.1;

Eff. September 1, 2009;

Amended Eff. May 1, 2015;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. ~~March 1, 2016.~~ March 1, 2016;

1 Amended Eff. May 1, 2022.
2

Burgos, Alexander N

Subject: FW: RE: Status Question - Pharmacy Board Rule 21 NCAC 46 .2515

From: Liebman, Brian R
Sent: Monday, April 25, 2022 4:26 PM
To: dsimpson@smithlaw.com
Subject: RE: Status Question - Pharmacy Board Rule 21 NCAC 46 .2515

Good afternoon Mr. Simpson,

Bill forwarded me your email, as I was the attorney handling the Pharmacy Board rules at last month's meeting. We have not received any letters of objection related to any of the Pharmacy Board rules, and the deadline to so file was last Friday. So, the Pharmacy Rules will become effective on 5/1/22.

Please let me know if you have any further questions.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
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(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

From: Liebman, Brian R
Sent: Monday, April 18, 2022 5:21 PM
To: Burgos, Alexander N
Subject: FW: [External] RE: RRC Request for Changes
Attachments: 21 ncac 46 .1607 with changes 4876-5293-6720 v.1.doc

Brian Liebman
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From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Monday, April 11, 2022 10:37 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Request for Changes

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While I'm driving, I'll jot down my response to the two substantive questions, and possible resolutions.

.1606. As to the inspection reports, it's really not an either-or situation in practice. We require the submission of inspection reports by all out-of-state pharmacies, so that we have the same information about them as we do about the pharmacies that we inspect. We have also (very, very rarely) done our own inspections of out-of-state pharmacies when there are pharmacies who are known to have some problems, but their own states have not inspected them since the problems arose or not looked at the things that are of concern. (Florida, I'm looking at you.) I think I've fixed this adequately in the attached. If you agree and want to stick it on the agenda, then please do. If you get where I'm going and have other thoughts, let me know.

.1612. We want to withdraw the rule amendment. You raise some good points we need to consider about the policy. But that's going to take some time, and the only substantive amendment here isn't one that we need to make right now.

[Clint Pinyan](#)



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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, April 8, 2022 5:23 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Request for Changes

[EXTERNAL]

Hi Clint,

I've gone through the Rules, and they look pretty good. I have a few more comments/edits, which, with one obvious exception, are not major. I'll go rule-by-rule below.

Rule .1503

In (e), p.2, line 19, with respect to the "during the month prior..." language, your explanation made a lot of sense to me, but I'm still not sure the language in the Rule makes that clear. I think it would make your intent much clearer to say something along the lines of "...registrations shall (please change "must" to "shall" in any event) be renewed between August 1 and the September 1 on which the registration expires."

I got a good laugh about the oxford commas, but I regret to inform you I found a few other places where they need to be added. 😊 Both are on p.3, at line 3 between "preceptor" and "or" and at line 6, between "preceptor" and "or".

Also on p.3, line 5, I think you meant to strike out "for a period of time determined by the Board". Let me know if this instance needs to stay, and if so, why.

Rule .1607

In (c)(4)(B) and (C), with respect to the "normal delivery time" language, although I think your point about the existing language being clear is valid, I think if you are tying "normal delivery time" in (B) and (C) to the policy you're requiring in (A), it's best to lock it up and state "normal delivery times as set pursuant to (c)(4)(A)" or whatever formulation you like best.

In (d), do you think you could provide some examples in the Rule of when you would insist on inspection, rather than just accepting the reports?

Rule .1612

With respect to the policy you cited, I think that policy essentially meets the definition of a Rule under G.S. 150B-2(8a). I think you need to incorporate the substance of this policy into this or another Rule. My concern is whether adding these provisions into the Rule would constitute a substantial change pursuant to 150B-21.2(g).

Except for Rule .1612, which I think will require further thought, I am ready to recommend approval of these Rules to RRC, provided the above edits are made.

Thanks, and have a good weekend,
Brian

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From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Tuesday, March 29, 2022 4:34 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: [External] RE: RRC Request for Changes

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Brian,

Thanks for your close look at these. I've made some proposed changes to the rules.

If it's ok with you, my usual practice with previous RRC folks has been to send back your request, with my responses included under each request, along with the changed rules. Those are all attached.

If you take a look at these and they're good, let me know and I'll submit the rules to the oah.rules e-mail address. If you have any further thoughts, just e-mail or call me.

Thanks.

[Clint Pinyan](#)



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P.O. Box 26000 (27420)

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, March 25, 2022 5:20 PM
To: Clint Pinyan <CPINYAN@brookspierce.com>
Cc: jcampbell@ncbop.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Request for Changes

[EXTERNAL]

It would have been helpful to attach the document, I think.

Sorry about that!

Brian Liebman
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From: Liebman, Brian R
Sent: Friday, March 25, 2022 5:19 PM
To: cpinyan@brookspierce.com
Cc: jcampbell@ncbop.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Request for Changes

Hi Mr. Pinyan,

I'm the attorney who reviewed the Rules submitted by the Pharmacy Board 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.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, April 8, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,
Brian

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Burgos, Alexander N

Subject: FW: [External] RE: RRC Request for Changes
Attachments: 21 ncac 46 .1607 with changes 4876-5293-6720 v.1.doc

From: Clint Pinyan <CPINYAN@brookspierce.com>
Sent: Monday, April 11, 2022 10:37 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: RRC Request for Changes

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.1612. We want to withdraw the rule amendment. You raise some good points we need to consider about the policy. But that's going to take some time, and the only substantive amendment here isn't one that we need to make right now.

[Clint Pinyan](#)



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21 NCAC 46 .1503 is amended **with changes** as published in 36:12 NCR 1049 as follows:

21 NCAC 46 .1503 EXPERIENCE IN PHARMACY AND PHARMACY INTERNSHIP

(a) An applicant for license must show that ~~he~~ the applicant has received 1500 hours of practical experience under the supervision of a licensed pharmacist which has been acquired while enrolled in a school of pharmacy accredited by the Accreditation Council for Pharmacy Education. ~~after the satisfactory completion of two years of college work. The Board shall accept hours of experience certified by the school from which the applicant has graduated.~~

(b) All practical pharmacy experience gained within the State of North Carolina ~~to be acceptable~~ must be acquired ~~under the general conditions approved by the Board~~ as follows:

(1) All practical pharmacy experience must be validated through registration in the internship program administered by the Board. A person does not receive credit for any practical experience unless and until that person is registered with the Board as a pharmacy intern.

(2) ~~Persons working under the supervision of registered pharmacists and expecting to qualify for the registered pharmacist examination must notify the Board within five days of the beginning and the ending of such employment.~~ Practical experience shall be credited only when it has been obtained in a location holding a pharmacy permit, or a location approved by the Board for **practical experience**, [that purpose,] and only after the pharmacy intern notifies the Board of the location of the practical experience. If the pharmacy intern's location of employment changes, the pharmacy intern must notify the Board of the change before commencing an internship at the new location.

(3) The person acquiring practical experience shall at all times comply with the Board's rules and the laws governing the practice of pharmacy and the distribution of drugs. Failure of the pharmacist intern to do so is grounds to disqualify the experience from counting toward the minimum requirements.

~~(3)~~(4) The Board shall accept hours of experience certified by the school from which the applicant has graduated, provided that the applicant has satisfied the foregoing Subparagraphs of Paragraph (b). The Board shall not allow credit for claims of practical experience required under the pharmacy laws, unless such claims can be corroborated by records on file in the Board's office showing the beginning and the ending of the practical experience claimed as supplied by the applicant during this training period.

(4) ~~Practical experience shall be credited only when it has been obtained in a location holding a pharmacy permit, or a location approved by the Board for that purpose.~~

(c) A person is eligible to register or renew and be employed as a pharmacy intern only if, and so long as, the person is:

(1) Currently enrolled in a pharmacy school accredited by the Accreditation Council for Pharmacy Education. In order to qualify as "enrolled" in a pharmacy school, the student must be attending pharmacy school at the time, or on a break between academic terms;

(2) A graduate of a foreign school of pharmacy who has successfully completed the Foreign Pharmacy Graduate Equivalency Examination offered by the National Association of Boards of Pharmacy and the Test of English as a Foreign Language and who is acquiring the practical experience required for licensure;

(3) A pharmacist licensed in another state who is gaining practical experience required for a license by reciprocity under Rule .1602 of this Chapter;

(4) A pharmacist with an inactive North Carolina license who is gaining practical experience required for reinstatement of a license under Rule .1612 of this Chapter;

(5) A graduate of a school of pharmacy who has not been licensed in any State, who has not been denied a license in any State, who has an active application for licensure to practice pharmacy in North Carolina and who has met all requirements for licensure other than taking and passing the North American Pharmacist Licensure Examination and the Multistate Pharmacy Jurisprudence Examination, and who is gaining practical experience to prepare for the examination in order to achieve licensure.

(d) In order to register or renew as a pharmacy intern, an applicant must submit proof of eligibility under Paragraph (c) of this Rule. The applicant further must provide releases for the Board to verify the applicant's eligibility, including confirming enrollment in or graduation from pharmacy school.

(e) Pharmacy intern registrations are valid until the September 1 immediately following registration. If the person remains eligible for registration as a pharmacy intern, the registration ~~[must]~~ shall be renewed ~~[during the month prior to the]~~ between August 1 and September 1 of the year in ~~[on]~~ which the registration expires. If the registration expires for a pharmacy intern, that person is not eligible to work as a pharmacy intern in the State of North Carolina unless and until the registration is reinstated after a new application.

(f) If a pharmacy intern ceases to be eligible to be registered and employed as a pharmacy intern under Paragraph (c) of this Rule, that person must immediately cease working as a pharmacy ~~[intern,]~~ intern and must notify the Board within five calendar days of a change in status and request that the person's registration be made inactive.

~~(e) The pharmacist intern, or student, and the pharmacist preceptor, or supervising pharmacist, shall at all times comply with the Board's rules and the laws governing the practice of pharmacy and the distribution of drugs. Failure of the pharmacist intern to do so is grounds to disqualify the period of experience from counting toward the minimum requirements. A pharmacist preceptor who causes or permits a pharmacist intern to violate the Board's rules or the laws governing the practice of pharmacy and the distribution of drugs forfeits his right to supervise such experience for a period of time determined by the Board. A pharmacist who has been found in violation of laws, rules, or regulations governing the practice of pharmacy and the distribution of drugs cannot serve as a preceptor without the approval by the Board.~~

~~(d)(g)~~ The Board may accept training in pharmacy practical experience gained in another state pursuant to internship registration in this or another state if the Board is satisfied that such training experience is equivalent.

(h) A registered pharmacy intern working under a pharmacist preceptor or supervising pharmacist may, while under supervision of that pharmacist, perform all acts constituting the practice of pharmacy. Because the pharmacy intern

1 may perform all acts constituting the practice of pharmacy under supervision under this provision, doing so without
2 being registered with the Board is the unlicensed practice of pharmacy.

3 (i) A supervising pharmacist, pharmacist [preceptor] preceptor, or pharmacist-manager who causes or permits a
4 pharmacy intern to violate any laws, [rules] rules, or regulations applicable to the practice of pharmacy or the
5 distribution of drugs forfeits his or her right to supervise pharmacy interns [for a period of time determined by the
6 Board] and is subject to additional disciplinary action. A supervising pharmacist, pharmacist [preceptor] preceptor,
7 or pharmacist-manager who violates any laws [rules] rules, or regulations applicable to the supervision of pharmacy
8 interns forfeits his or her right to supervise pharmacy interns [for a period of time determined by the Board] and is
9 subject to additional disciplinary action. This includes, but is not limited to, making false representations or
10 withholding material information about the pharmacy intern's practical experience or employing a pharmacy intern
11 who is not registered with the Board. A pharmacist who has been found in violation of laws, rules, or regulations
12 governing the practice of pharmacy and the distribution of drugs cannot serve as a supervising pharmacist or
13 pharmacist preceptor without the approval by the Board.

14 (j) The Board may consider any of the acts set forth in G.S. 90-85.38(a) that are committed by a pharmacy intern in
15 considering whether to grant that person a license to practice pharmacy or what conditions are appropriate to ensure
16 that the person can practice pharmacy safely.

17 (k) The practical experience hours gained prior to the effective date of any amendment to this Rule are governed by
18 the requirements of this Rule in effect at the time the hours were obtained.

19
20 *History Note: Authority G.S. 90-85.6; 90-85.14; 90-85.15; 90-85.38;*

21 *Eff. April 1, 1983;*

22 *Amended Eff. March 1, 2004; September 1, 1993; April 1, 1992; October 1, 1990; May 1, 1989;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
24 *2017. 2017;*

25 *Amended Eff. May 1, 2022.*

21 NCAC 46 .1606 is amended **with changes** as published in 36:12 NCR 1052 as follows:

**21 NCAC 46 .1606 ~~REQUIREMENT OF PERSONAL APPEARANCE~~ NORTH CAROLINA-
SPECIFIC EDUCATION FOR PERMIT APPLICANTS**

Prior to issuance of any original pharmacy permit or device and medical equipment permit, ~~the following persons must appear personally at the Board office on the first Monday of the month, the Monday before the monthly Board meeting, or such other time as scheduled with the Board's staff:~~

- (1) the pharmacist-manager for the applicant pharmacy or ~~pharmacy; and~~
- (2) the person in charge of the facility applying for the device and medical equipment ~~permit; permit~~ shall complete an educational module on the North Carolina Pharmacy Practice Act and **its the Board's** regulations that govern the operation of permits. That educational module is available in the on-line permit application section of the Board's Licensure Gateway. The pharmacist-manager or person in charge must personally complete the educational module and may not delegate this responsibility to any other person.

*History Note: Authority G.S. ~~90-18.1; 90-18.2; 90-85.3(a),(r);~~ 90-85.6; 90-85.21; 90-85.21A; 90-85.22;
Eff. April 1, 1994;
Amended Eff. April 1, 2003; April 1, 1999; September 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
~~2017-2017;~~
Amended Eff. May 1, 2022.*

21 NCAC 46 .1607 is amended with changes as published in 36:12 NCR 1053 as follows:

21 NCAC 46 .1607 OUT-OF-STATE PHARMACIES

(a) In order to protect the public health and safety and implement G.S. 90-85.21A, the following provisions apply to out-of-state pharmacies that ship, mail, or deliver in any manner a dispensed legend ~~drug~~ drug, device, or medical equipment into this State.

(b) An out-of-state pharmacy may not ship, mail, or deliver in any manner even a single dispensed legend drug, device, or piece of medical equipment into this State [unless-and] until it receives a permit from [this] the Board. All unpermitted dispensing must be disclosed on any permit application, and any permit applicant must update any application within 24 hours of any dispensing into this State that occurs while a permit application is pending. The Board may deny a permit based on that dispensing or on a failure to disclose it.

(b) (c) [Pursuant to G.S. 90-85.21A, an out of state pharmacy must comply with the provisions of the Pharmacy Practice Act and its regulations, as well as the provisions of the laws of the state in which the pharmacy is located.]

In addition to the requirements contained in [G.S.] G.S. 85-21A,[addition,] these Such pharmacies shall:

- (1) ~~Maintain, in readily retrievable form, records of prescription drugs dispensed to North Carolina residents;~~
- ~~(2)~~ (2) Supply supply all information requested by the Board in carrying out the Board's responsibilities under the statutes and rules pertaining to out-of-state pharmacies;
- ~~(3)~~ (2) During during the pharmacy's regular hours of operation but not less than six days per week, for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients and pharmacists at the pharmacy who have access to the patient's records. This toll-free number must be disclosed on the label for each dispensed drug, device, or piece of medical equipment; ~~affixed to each container of dispensed drugs;~~
- ~~(4)~~ (3) Comply comply with all USP and FDA requirements regarding the storage, packaging, and shipping of drugs, [devices] devices, and medical equipment; ~~prescription medications;~~
- ~~(5)~~ (4) Develop develop policies governing:
 - (A) normal delivery protocols and times;
 - (B) the procedure to be followed if the patient's ~~medication~~ drug, device, or medical equipment is not available at the out-of-state pharmacy, or if delivery will be delayed beyond the normal delivery time;
 - (C) the procedure to be followed upon receipt of a prescription for a condition that requires treatment before the drug, device, or medical equipment would be delivered in the normal delivery time, an acute illness, which shall include a procedure for delivery of the drug, device, or medical equipment ~~medication~~ to the patient from the out-of-state pharmacy at the earliest possible time (such as courier delivery), or an alternative that assures the patient the opportunity to obtain the drug, device, or medical equipment ~~medication~~ at the earliest possible time; and

- (D) the procedure to be followed when the out-of-state pharmacy is advised that the patient's ~~medication~~ drug, device, or medical equipment has not been received within the normal delivery time and that the patient is out of ~~medication~~ the drug, device, or medical equipment and requires interim dosage until the pharmacy can provide the drug, device, or medical equipment; ~~mail prescription drugs become available;~~
- (6) (5) **Disclose** ~~disclose~~ the location, names, and titles, of all ~~officers~~ ~~principal corporate officers, if incorporated, and if unincorporated, partners, or~~ **direct and indirect** owners ~~[(whether direct or indirect)]~~ of the pharmacy. Disclose the names and license numbers of all pharmacists dispensing ~~drugs, devices, or medical equipment~~ ~~prescription legend drugs~~ to an ultimate user in this State, the names and, if available, license or registration numbers of all ~~supportive~~ pharmacy personnel employed by the out-of-state pharmacy who assist **such** pharmacists in **such** dispensing. The pharmacist-manager for the out-of-state permit issued by this Board must be the same person as the pharmacist-manager (whether called a pharmacist-manager, a person-in-charge or otherwise) of the pharmacy on the permit issued by the pharmacy's home state. A report containing this information shall be made on an annual basis and within 30 days of each change of any principal office, pharmacist manager of any location dispensing prescription legend drugs to an ultimate user in this State, principal corporate officer if incorporated, and if unincorporated, partner pharmacist-manager, officer, or owner (whether direct or indirect) of the pharmacy. A new registration permit shall be required under the circumstances set out in Rule .1603 of this Section, and a new permit must be secured before any legend drugs, ~~[devices]~~ **devices**, or medical equipment may be dispensed into the State of North Carolina following any of the enumerated changes in circumstances. The existing permit becomes void upon one of the events in Rule .1603, and any dispensing into the State of North Carolina following one of those events is unlawful and grounds for denial of a new permit; for a change of ownership of an established pharmacy to a successor business entity which results in a change in the controlling interest in the pharmacy;
- (7) (6) **Submit** ~~submit~~ evidence of possession of a valid license, permit, or registration as a pharmacy in compliance with the laws of the state in which the pharmacy is ~~located;~~ ~~located.~~ ~~Such evidence shall consist of one of the following:~~
- (A) ~~— a copy of the current license, permit, or registration certificate issued by the regulatory or licensing agency of the state in which the pharmacy is located; or~~
- (B) ~~— a letter from the regulatory or licensing agency of the state in which the pharmacy is located certifying the pharmacy's compliance with the pharmacy laws of that state;~~
- (8) (7) **Designate** ~~designate~~ a ~~resident~~ registered office and registered agent in North Carolina for service of process, process pursuant to Article 4 of Chapter 55D of the North Carolina General Statutes. The Board may serve or deliver any notice or other document provided for under the Pharmacy Practice Act or these Rules on that registered agent. The Board may further serve or deliver any

notice or other document provided for under the Pharmacy Practice Act or these Rules on the Secretary of State when the Secretary of State becomes an agent of the entity pursuant to Article 4 of Chapter 55D of the North Carolina General Statutes; ~~and~~ Any such out of state pharmacy that does not so designate a resident agent shall be deemed to have appointed the Secretary of State of the State of North Carolina to be its true and lawful attorney upon whom process may be served. All legal process in any action or proceeding against such pharmacy arising from shipping, mailing or delivering prescription drugs in North Carolina shall be served on the resident agent. In addition, a copy of such service of process shall be mailed to the out of state pharmacy by certified mail, return receipt requested, at the address of the out of state pharmacy as designated on the registration form filed with the Board. Any out of state pharmacy which does not register in this State, shall be deemed to have consented to service of process on the Secretary of State as sufficient service.

(8) ~~[Notify]~~ notify the Board within five days of receipt of any order or decision by a Board of Pharmacy or other state or federal agency imposing discipline of any sort on the pharmacy, or receipt of any warning letter from the Food and Drug Administration. ~~[Administration; and]~~

~~[(9) Within five days of receipt, provide the Board with any inspection report from any other state's board of pharmacy or other agency that regulates the pharmacy, the Food and Drug Administration, or the National Association of Boards of Pharmacy.]~~

~~(e)~~ (d) The facilities and records of an out-of-state pharmacy shall be subject to inspection by the ~~Board.~~ Board; ~~provided however, the~~ The Board also may require accept in lieu thereof satisfactory submission of inspection reports by the licensing entity of the state in which the pharmacy is ~~located.~~ located or records transmitted by the pharmacy to the Board offices.

~~(d) An out of state pharmacy shall comply with the statutes and regulations of the state in which the pharmacy is located.~~

(e) Any person who ships, mails, or delivers prescription drugs to North Carolina residents from more than one out-of-state pharmacy location shall register each pharmacy separately.

(f) An out-of-state permit holder may be disciplined as set forth in the Pharmacy Practice Act. ~~[pursuant to G.S. 90-85.38(b) based on the conduct of its pharmacy personnel, even if those pharmacy personnel are not licensed or registered with the Board.]~~ The suspension or revocation of the pharmacy's home state permit will result in the immediate suspension or revocation of the out-of-state permit issued by this Board. ~~Prior to original registration, a pharmacist who is an authorized representative of the pharmacy's owner must appear personally at the Board office on the first Monday of the month, the Monday before the monthly Board meeting, or such other time as scheduled with the Board's staff. Such authorized pharmacist may represent all pharmacies having the same ownership.~~

~~(g) An out of state pharmacy shall report to the Board information that reasonably suggests that there is a probability that a prescription drug or device dispensed from such out of state pharmacy has caused or contributed to the death of any patient. The report shall be filed in writing on a form provided by the Board within 14 days of the pharmacy becoming aware of the death. The Board may not disclose the identity of any person or entity making the~~

1 report, except when it is necessary to protect life or health of any person. No such report in possession of the Board
2 shall be discoverable or admissible into evidence or otherwise used in any civil action involving private parties,
3 except as otherwise required by law.

4 ~~(h) The Board may, in accordance with Chapter 150B of the General Statutes, issue a letter of reprimand or~~
5 ~~suspend, restrict, revoke, or refuse to grant or renew registration to an out of state pharmacy if such pharmacy has:~~

6 ~~(1) made false representations or withheld material information in connection with obtaining~~
7 ~~registration;~~

8 ~~(2) been found guilty of or plead guilty or nolo contendere to any felony in connection with the~~
9 ~~practice of pharmacy or the distribution of drugs;~~

10 ~~(3) made false representations in connection with the practice of pharmacy that endanger or are likely~~
11 ~~to endanger the health or safety of the public, or that defraud any person;~~

12 ~~(4) failed to comply with this Rule;~~

13 ~~(5) been the subject of a negligence complaint resulting from the dispensing of prescription drugs to a~~
14 ~~resident of North Carolina and based on an investigation of such complaint been found to be~~
15 ~~negligent:~~

16 ~~(A) by the Board of Pharmacy of the state in which the pharmacy is located;~~

17 ~~(B) by the North Carolina Board of Pharmacy if the Board of Pharmacy of the state where the~~
18 ~~pharmacy is located failed to initiate an investigation of such complaint within 45 days~~
19 ~~after referral of the complaint from the North Carolina Board of Pharmacy; or~~

20 ~~(C) by the North Carolina Board of Pharmacy if the Board of Pharmacy of the state where the~~
21 ~~pharmacy is located initiates an investigation of such complaint within 45 days, but later~~
22 ~~advises the North Carolina Board that it will not make a determination of negligence or~~
23 ~~that it has made no determination of the issue of negligence within one year after referral~~
24 ~~of the complaint and has discontinued any active investigation or proceeding for such~~
25 ~~determination. In any disciplinary proceeding based on negligence, the standard of~~
26 ~~practice shall be that applicable in the state in which the pharmacy is located. In~~
27 ~~disciplinary proceedings pursuant to Part (h)(5)(A) of this Rule, the Board shall adopt the~~
28 ~~findings of negligence by the Board of Pharmacy of the state in which the pharmacy is~~
29 ~~located as part of the Board's final decision without producing its own evidence of~~
30 ~~negligence.~~

31 ~~(i) An out of state pharmacy shall notify the Board within five days of receipt of any order or decision by a Board~~
32 ~~of Pharmacy imposing disciplinary action on the pharmacy. Notwithstanding the provisions of Paragraph (h) of this~~
33 ~~Rule, if the permit or registration in the state where the pharmacy is located is suspended or revoked, then the~~
34 ~~pharmacy's registration in North Carolina will be immediately suspended or revoked for the same period of time.~~

35 ~~(j) (g) An out-of-state pharmacy registration permit shall expire on December 31 of each year.~~

1 ~~(e)~~ (h) The fees provided for in G.S. 90-85.21A as maximum fees which the Board is entitled to charge and collect
2 are hereby established as the fees for each original ~~registration~~ permit and for annual renewal of each permit.
3 ~~registration~~.

4
5 *Authority G.S. 90-85.6; 90-85.15A; 90-85.21A; 90-85.22; 90-85.26; ~~90-85.28~~; ~~90-85.29~~; 90-85.30; 90-85.32.*

21 NCAC 46 .1613 is amended **with changes** as published in 36:12 NCR 1049 as follows:

21 NCAC 46 .1613 EXTENSION PERIOD FOR CERTAIN MEMBERS OF THE ARMED FORCES

(a) Definitions:

- (1) "Eligible licensee" means a pharmacist who holds a license in good standing from the Board of Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension of time in which to file a tax return pursuant to G.S. 105-249.2. "Eligible licensee" includes a pharmacist who holds a Clinical Pharmacist Practitioner credential or who is **an immunizing pharmacist, a pharmacist vaccinators.**
- (2) "Eligible registrant" means a **pharmacy intern**, pharmacy technician, dispensing physician, dispensing nurse practitioner or dispensing physician assistant who holds a registration in good standing from the Board of Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension of time in which to file a tax return pursuant to G.S. 105-249.2.
- (3) "Extension period" means the time period specified in 26 **U.S. Code U.S.C.** 7508.
- (4) "Good standing" means a license or registration that is not suspended, **revoked revoked,** or subject to a current disciplinary order.

(b) Extension of time to pay license or registration renewal **fee fees** and waiver of continuing education requirements:

- (1) An eligible licensee or registrant shall notify the Board of eligibility for the extension period before his or her current license or registration expires. Upon such notification, the Board shall maintain the license or registration in active status through the extension period.
- (2) If an eligible licensee or registrant fails to notify the Board of eligibility for the extension period before his or her current license or registration expires, upon receipt and acceptance of a renewal application within the extension period and presentation of proof that the licensee or registrant was an eligible licensee or registrant on the date that is the deadline for renewal, the expired license or registration shall be deemed retroactively to have not expired.
- (3) Notwithstanding 21 NCAC 46 .1612(a) and .3301(a), an eligible licensee or registrant who submits a renewal application and pays the renewal fee required by the Board within the extension period shall not be deemed to hold a lapsed license or registration subject to reinstatement fees.
- (4) Notwithstanding 21 NCAC 46 .2201, .3101(d) and .2507(d), an eligible licensee may renew his or her license within the extension period despite failing to complete the specified continuing education requirements.
- (5) A licensee or registrant shall provide proof of eligibility for the extension period when the licensee or registrant submits the renewal application.

History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85.15A; **09-85.15B;** 90-85.17; 90-85.21(b); 90-85.24; 90-85.26A; 93B-15;

1 *Eff. April 1, 2010;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
3 *~~2017.~~2017.*
4 *Amended Eff. May 1, 2022.*

21 NCAC 46 .1615 is amended **with changes** as published in 36:12 NCR 1049 as follows:

**21 NCAC 46 .1615 E-PROFILE NUMBER REQUIRED FOR LICENSE, PERMIT, OR
REGISTRATION**

(a) As part of the application for issuance or renewal of any in-state or out-of-state pharmacy permit, device and medical equipment permit, license to practice pharmacy, pharmacy intern registration, or pharmacy technician registration issued by the Board, the permittee, licensee, or registrant must report an e-Profile number to the Board.

~~(b) An e-Profile number is a unique identifier for permittees, licensees, and registrants that allows for the accurate identification and collection of licensure, disciplinary, inspection, and other information in a secured electronic profile.~~

~~(c)~~ **(e)** A An applicant, permittee, licensee, or registrant may obtain an e-Profile number at no cost by contacting the National Association of Boards of Pharmacy by phone at (847) 391-4406; by mail at 1600 Feehanville Drive, Mount Prospect, Illinois 60056; or electronically at www.nabp.pharmacy.

~~(d) Any person or entity holding a permit, license, or registration as of the effective date of this rule must obtain an e-Profile number prior to renewal of the permit, license, or registration for 2018.~~

History Note: Authority G.S. 90-85.6; 90-85.14; 90-85.15; 90-85.15A; 90-85.17; 90-85.20; 90-85.21; 90-85.21A; 90-85.22.

Eff. May 1, 2017. 2017.

Amended Eff. May 1, 2022.

21 NCAC 46 .2515 is adopted with changes as published in 36:12 NCR 1056 as follows:

21 NCAC 46 .2515 REMOTE WORK BY PHARMACY PERSONNEL

(a) Pharmacy personnel may perform pharmacy practice ~~[(other than any physical acts in the dispensing process)]~~ remotely with respect to drugs, devices, or medical equipment dispensed by the permitted pharmacy location by which they are employed. Pharmacy personnel may not engage in physical acts in the dispensing process in remote locations outside the permitted pharmacy location. The pharmacist-manager must ensure that pharmacy personnel are able to perform at the same level of competence, attention, and proficiency as if the personnel were physically present in the pharmacy, including having secure access to the pharmacy's information system, and that all applicable state and federal ~~[laws]~~ laws, rules, and regulations are followed.

(b) Out-of-state permit holders may permit remote pharmacy practice by their own employees with respect to drugs, devices, or medical equipment dispensed by those pharmacy locations into the State of North Carolina only to the extent permitted by the laws of the states in which they are located.

(c) This Rule does not include services provided by someone who is not an employee of the permitted pharmacy location that is dispensing the drug, ~~[device]~~ device, or medical equipment. Any such remote medication order entry services are governed by Rule .1816 of this Chapter.

History Note: Authority G.S. 90-85.6; 90-85.21; 90-85.21A; 90-85.26; 90-85.32; 90-85.34;

Eff. May 1, 2022.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1503

DEADLINE FOR RECEIPT: Friday, April 8, 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 (a), line 4, is the 1500 hours of practical experience required meant to fulfil the one year of experience required by G.S. 90-85.15(b)(2)?

In (b)(2), line 16, for my knowledge, what is the difference between “a location holding a pharmacy permit” and “a location approved by the Board for that purpose”? I’m assuming “that purpose” is obtaining practical experience, correct?

In (d), p.2, line 15, what kind of “proof of eligibility” will the Board require? Can you provide some examples of what will be accepted?

In (e), line 19, the Rule states that the registration must be renewed “during the month prior to the September 1 on which the registration expires.” Does “month” mean 30 days, or does it mean you will be accepting renewal applications from August 1 to August 31?

In (f), line 24, omit the comma between “intern” and “and”.

In (g), line 34, what does the phrase “training in pharmacy” refer to? Is this practical experience?

Also generally to (g), I am confused by the meaning of this sentence. How can the Board accept training gained in another state pursuant to an internship registration in this State?

In (h) and (i), on pp 2-3, the Rule refers to a “pharmacist preceptor,” a “supervising pharmacist,” and a “pharmacist-manager.” Other than “pharmacist-manager,” I don’t believe these terms are defined in your Rules or in G.S. 90-85.3. Are these all different roles?

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

In (i), p.3, lines 3 and 6, the Rule states that a pharmacist preceptor or pharmacist-manager could be subject to discipline, but does not refer to “supervising pharmacist.” Is there a reason this term was left out of (i)?

In (i), lines 4 and 6, please add the oxford comma between “rules” and “or”.

In (i), lines 4 and 6, does “regulations” refer to federal regulations?

In (i), lines 5 and 8, the preceptor or manager who is subject to discipline forfeits his or her right to supervise interns “for a period of time determined by the Board.” How is this determined?

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

21 NCAC 46 .1503 is amended as published in 36:12 NCR 1049 as follows:

21 NCAC 46 .1503 EXPERIENCE IN PHARMACY AND PHARMACY INTERNSHIP

(a) An applicant for license must show that ~~he~~ the applicant has received 1500 hours of practical experience under the supervision of a licensed pharmacist which has been acquired while enrolled in a school of pharmacy accredited by the Accreditation Council for Pharmacy Education. ~~after the satisfactory completion of two years of college work. The Board shall accept hours of experience certified by the school from which the applicant has graduated.~~

(b) All practical pharmacy experience gained within the State of North Carolina ~~to be acceptable~~ must be acquired ~~under the general conditions approved by the Board~~ as follows:

(1) All practical pharmacy experience must be validated through registration in the internship program administered by the Board. A person does not receive credit for any practical experience unless and until that person is registered with the Board as a pharmacy intern.

(2) ~~Persons working under the supervision of registered pharmacists and expecting to qualify for the registered pharmacist examination must notify the Board within five days of the beginning and the ending of such employment.~~ Practical experience shall be credited only when it has been obtained in a location holding a pharmacy permit, or a location approved by the Board for that purpose, and only after the pharmacy intern notifies the Board of the location of the practical experience. If the pharmacy intern's location of employment changes, the pharmacy intern must notify the Board of the change before commencing an internship at the new location.

(3) The person acquiring practical experience shall at all times comply with the Board's rules and the laws governing the practice of pharmacy and the distribution of drugs. Failure of the pharmacist intern to do so is grounds to disqualify the experience from counting toward the minimum requirements.

~~(3)(4)~~ (4) The Board shall accept hours of experience certified by the school from which the applicant has graduated, provided that the applicant has satisfied the foregoing Subparagraphs of Paragraph (b). The Board shall not allow credit for claims of practical experience required under the pharmacy laws, unless such claims can be corroborated by records on file in the Board's office showing the beginning and the ending of the practical experience claimed as supplied by the applicant during this training period.

(4) ~~Practical experience shall be credited only when it has been obtained in a location holding a pharmacy permit, or a location approved by the Board for that purpose.~~

(c) A person is eligible to register or renew and be employed as a pharmacy intern only if, and so long as, the person is:

(1) Currently enrolled in a pharmacy school accredited by the Accreditation Council for Pharmacy Education. In order to qualify as "enrolled" in a pharmacy school, the student must be attending pharmacy school at the time, or on a break between academic terms;

- (2) A graduate of a foreign school of pharmacy who has successfully completed the Foreign Pharmacy Graduate Equivalency Examination offered by the National Association of Boards of Pharmacy and the Test of English as a Foreign Language and who is acquiring the practical experience required for licensure;
- (3) A pharmacist licensed in another state who is gaining practical experience required for a license by reciprocity under Rule .1602 of this Chapter;
- (4) A pharmacist with an inactive North Carolina license who is gaining practical experience required for reinstatement of a license under Rule .1612 of this Chapter;
- (5) A graduate of a school of pharmacy who has not been licensed in any State, who has not been denied a license in any State, who has an active application for licensure to practice pharmacy in North Carolina and who has met all requirements for licensure other than taking and passing the North American Pharmacist Licensure Examination and the Multistate Pharmacy Jurisprudence Examination, and who is gaining practical experience to prepare for the examination in order to achieve licensure.
- (d) In order to register or renew as a pharmacy intern, an applicant must submit proof of eligibility under Paragraph (c) of this Rule. The applicant further must provide releases for the Board to verify the applicant's eligibility, including confirming enrollment in or graduation from pharmacy school.
- (e) Pharmacy intern registrations are valid until the September 1 immediately following registration. If the person remains eligible for registration as a pharmacy intern, the registration must be renewed during the month prior to the September 1 on which the registration expires. If the registration expires for a pharmacy intern, that person is not eligible to work as a pharmacy intern in the State of North Carolina unless and until the registration is reinstated after a new application.
- (f) If a pharmacy intern ceases to be eligible to be registered and employed as a pharmacy intern under Paragraph (c) of this Rule, that person must immediately cease working as a pharmacy intern, and must notify the Board within five calendar days of a change in status and request that the person's registration be made inactive.
- ~~(e) The pharmacist intern, or student, and the pharmacist preceptor, or supervising pharmacist, shall at all times comply with the Board's rules and the laws governing the practice of pharmacy and the distribution of drugs. Failure of the pharmacist intern to do so is grounds to disqualify the period of experience from counting toward the minimum requirements. A pharmacist preceptor who causes or permits a pharmacist intern to violate the Board's rules or the laws governing the practice of pharmacy and the distribution of drugs forfeits his right to supervise such experience for a period of time determined by the Board. A pharmacist who has been found in violation of laws, rules, or regulations governing the practice of pharmacy and the distribution of drugs cannot serve as a preceptor without the approval by the Board.~~
- ~~(d)(g)~~ The Board may accept training in pharmacy gained in another state pursuant to internship registration in this or another state if the Board is satisfied that such training is equivalent.
- (h) A registered pharmacy intern working under a pharmacist preceptor or supervising pharmacist may, while under supervision of that pharmacist, perform all acts constituting the practice of pharmacy. Because the pharmacy intern

1 may perform all acts constituting the practice of pharmacy under supervision under this provision, doing so without
2 being registered with the Board is the unlicensed practice of pharmacy.

3 (i) A pharmacist preceptor or pharmacist-manager who causes or permits a pharmacy intern to violate any laws,
4 rules or regulations applicable to the practice of pharmacy or the distribution of drugs forfeits his or her right to
5 supervise pharmacy interns for a period of time determined by the Board and is subject to additional disciplinary
6 action. A pharmacist preceptor or pharmacist-manager who violates any laws, rules or regulations applicable to the
7 supervision of pharmacy interns forfeits his or her right to supervise pharmacy interns for a period of time
8 determined by the Board and is subject to additional disciplinary action. This includes, but is not limited to, making
9 false representations or withholding material information about the pharmacy intern's practical experience or
10 employing a pharmacy intern who is not registered with the Board. A pharmacist who has been found in violation of
11 laws, rules, or regulations governing the practice of pharmacy and the distribution of drugs cannot serve as a
12 preceptor without the approval by the Board.

13 (j) The Board may consider any of the acts set forth in G.S. 90-85.38(a) that are committed by a pharmacy intern in
14 considering whether to grant that person a license to practice pharmacy or what conditions are appropriate to ensure
15 that the person can practice pharmacy safely.

16 (k) The practical experience hours gained prior to the effective date of any amendment to this Rule are governed by
17 the requirements of this Rule in effect at the time the hours were obtained.

18
19 *History Note: Authority G.S. 90-85.6; 90-85.14; 90-85.15; 90-85.38;*

20 *Eff. April 1, 1983;*

21 *Amended Eff. March 1, 2004; September 1, 1993; April 1, 1992; October 1, 1990; May 1, 1989;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
23 *~~2017.~~ 2017:*

24 *Amended Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1606

DEADLINE FOR RECEIPT: Friday, April 8, 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:

On line 10, please replace "its" with "the" or "the Board's".

On lines 11-12, the Rule states that the educational module is available in the online permit application section of the Board's Licensure Gateway. I looked at your Rules regarding permitting, and I didn't see anything (other than applications are to be submitted on forms provided by the Board), indicating whether the Board still accepts paper applications. If so, will this module be available to someone who hasn't otherwise made an online application?

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

21 NCAC 46 .1606 is amended as published in 36:12 NCR 1052 as follows:

**21 NCAC 46 .1606 ~~REQUIREMENT OF PERSONAL APPEARANCE~~ NORTH CAROLINA-
SPECIFIC EDUCATION FOR PERMIT APPLICANTS**

Prior to issuance of any original pharmacy permit or device and medical equipment permit, ~~the following persons must appear personally at the Board office on the first Monday of the month, the Monday before the monthly Board meeting, or such other time as scheduled with the Board's staff:~~

- ~~(1)~~ the pharmacist-manager for the applicant pharmacy or ~~pharmacy~~; and
- ~~(2)~~ the person in charge of the facility applying for the device and medical equipment ~~permit~~. permit shall complete an educational module on the North Carolina Pharmacy Practice Act and its regulations that govern the operation of permits. That educational module is available in the on-line permit application section of the Board's Licensure Gateway. The pharmacist-manager or person in charge must personally complete the educational module and may not delegate this responsibility to any other person.

*History Note: Authority G.S. ~~90-18.1; 90-18.2; 90-85.3(a),(r);~~ 90-85.6; 90-85.21; 90-85.21A; 90-85.22;
Eff. April 1, 1994;
Amended Eff. April 1, 2003; April 1, 1999; September 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
~~2017-2017~~;
Amended Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1607

DEADLINE FOR RECEIPT: Friday, April 8, 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:

Were the changes made post-publication made in response to public comment? Are they substantial changes as defined by G.S. 150B-21.2(g)?

*Throughout the Rule, consider correcting usage with respect to “medical equipment.” For instance, in (a), line 5-6, the Rule says “...a dispensed legend drug, device, or medical equipment....” Perhaps consider something along the lines of a “**piece** of medical equipment” or an “**article** of medical equipment”?*

*In (b), line 7, is it necessary to say “**even a single** dispensed legend drug...”?*

In (b), line 8, please consider revising “unless and until” to either “unless” or “until”.

In (b), line 8, replace “this Board” with “the Board”.

In (b), line 9, delete the comma following “application.”

*In (b), line 10, the Rule requires the applicant to update any application within 24 hours of “any dispensing” that occurs during the pendency of the application. Do you mean “any dispensing **in this State**”?*

In (c), line 14, please change “G,S.” to “G.S.”

For the list at (c)(1)-(8), please format so that the list comprises a single sentence—capitalize only the first word of the sentence in (c), use lowercase to begin each subsequent item, end the second to last item with “and” or “or,” and punctuate with semicolons following each item except the last, which gets a period. Otherwise, you may format such that each item is itself a complete sentence, in which case you can keep the first word of each item capitalized, but should end each item with a period, and remove the “and” following the second to last item.

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

In (c)(3), line 25, add an oxford comma between “devices” and “and”.

In (c)(4)(B), line 30, and in (c)(4)(D), p. 2, lines 2-3, please define “normal delivery time”.

In (c)(4)(C), line 31, please define “acute illness”.

In (c)(5), p. 2, line 7, please remove the parentheses and incorporate the parenthetical material into the body of the Rule.

In (c)(5), line 11, please consider removing both instances of “such”, as they are unnecessary and the use of the word “such” is discouraged.

In (c)(5), line 12, please revise “this Board” to “the Board”.

In (c)(5), line 20, add an oxford comma after “devices”.

In (d), line 19, under what circumstances may the Board accept or not accept inspection reports by the out-of-state licensing entity?

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

21 NCAC 46 .1607 is amended with changes as published in 36:12 NCR 1052 as follows:

21 NCAC 46 .1607 OUT-OF-STATE PHARMACIES

(a) In order to protect the public health and safety and implement G.S. 90-85.21A, the following provisions apply to out-of-state pharmacies that ship, mail, or deliver in any manner a dispensed legend ~~drug~~ drug, device, or medical equipment into this State.

(b) An out-of-state pharmacy may not ship, mail, or deliver in any manner even a single dispensed legend drug, device, or medical equipment into this State unless and until it receives a permit from this Board. All unpermitted dispensing must be disclosed on any permit application, and any permit applicant must update any application within 24 hours of any dispensing that occurs while a permit application is pending. The Board may deny a permit based on that dispensing or on a failure to disclose it.

~~(b)(c) [Pursuant to G.S. 90-85.21A, an out of state pharmacy must comply with the provisions of the Pharmacy Practice Act and its regulations, as well as the provisions of the laws of the state in which the pharmacy is located.]~~

In addition to the requirements contained in G.S., 85-21A, [addition,] these Such pharmacies shall:

- ~~(1)~~ Maintain, in readily retrievable form, records of prescription drugs dispensed to North Carolina residents;
- ~~(2)~~(1) Supply all information requested by the Board in carrying out the Board's responsibilities under the statutes and rules pertaining to out-of-state pharmacies;
- ~~(3)~~(2) During the pharmacy's regular hours of operation but not less than six days per week, for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients and pharmacists at the pharmacy who have access to the patient's records. This toll-free number must be disclosed on the label for each dispensed drug, device, or medical equipment; ~~affixed to each container of dispensed drugs;~~
- ~~(4)~~(3) Comply with all USP and FDA requirements regarding the storage, packaging, and shipping of drugs, devices and medical equipment; ~~prescription medications;~~
- ~~(5)~~(4) Develop policies governing:
 - (A) normal delivery protocols and times;
 - (B) the procedure to be followed if the patient's ~~medication~~ drug, device, or medical equipment is not available at the out-of-state pharmacy, or if delivery will be delayed beyond the normal delivery time;
 - (C) the procedure to be followed upon receipt of a prescription for an acute illness, which shall include a procedure for delivery of the drug, device, or medical equipment ~~medication~~ to the patient from the out-of-state pharmacy at the earliest possible time (such as courier delivery), or an alternative that assures the patient the opportunity to obtain the drug, device, or medical equipment ~~medication~~ at the earliest possible time; and

- (D) the procedure to be followed when the out-of-state pharmacy is advised that the patient's ~~medication~~ drug, device, or medical equipment has not been received within the normal delivery time and that the patient is out of ~~medication~~ the drug, device, or medical equipment and requires interim dosage until the pharmacy can provide the drug, device, or medical equipment; ~~mail prescription drugs become available~~;
- ~~(6)(5)~~ (5) Disclose the location, names, and titles, of all ~~officers~~ principal corporate officers, if incorporated, and if unincorporated, partners, or owners (whether direct or indirect) of the pharmacy. Disclose the names and license numbers of all pharmacists dispensing drugs, devices, or medical equipment ~~prescription legend drugs~~ to an ultimate user in this State, the names and, if available, license or registration numbers of all ~~supportive~~ pharmacy personnel employed by the out-of-state pharmacy who assist such pharmacists in such dispensing. The pharmacist-manager for the out-of-state permit issued by this Board must be the same person as the pharmacist-manager (whether called a pharmacist-manager, a person-in-charge or otherwise) of the pharmacy on the permit issued by the pharmacy's home state. A report containing this information shall be made on an annual basis and within 30 days of each change of any ~~principal office, pharmacist manager of any location dispensing prescription legend drugs to an ultimate user in this State, principal corporate officer if incorporated, and if unincorporated, partner~~ pharmacist-manager, officer, or owner (whether direct or indirect) of the pharmacy. A new ~~registration permit~~ permit shall be required under the circumstances set out in Rule .1603 of this Section, and a new permit must be secured before any legend drugs, devices or medical equipment may be dispensed into the State of North Carolina following any of the enumerated changes in circumstances. The existing permit becomes void upon one of the events in Rule .1603 of this Section, and any dispensing into the State of North Carolina following one of those events is unlawful and grounds for denial of a new permit; for a change of ownership of an established pharmacy to a successor business entity which results in a change in the controlling interest in the pharmacy;
- ~~(7)(6)~~ (6) Submit evidence of possession of a valid license, permit, or registration as a pharmacy in compliance with the laws of the state in which the pharmacy is ~~located~~; located. Such evidence shall consist of one of the following:
- (A) ~~a copy of the current license, permit, or registration certificate issued by the regulatory or licensing agency of the state in which the pharmacy is located; or~~
- (B) ~~a letter from the regulatory or licensing agency of the state in which the pharmacy is located certifying the pharmacy's compliance with the pharmacy laws of that state;~~
- ~~(8)(7)~~ (7) Designate a ~~resident~~ registered office and registered agent in North Carolina for service of ~~process~~. process pursuant to Article 4 of Chapter 55D of the North Carolina General Statutes. The Board may serve or deliver any notice or other document provided for under the Pharmacy Practice Act or these Rules on that registered agent. The Board may further serve or deliver any notice or other document provided for under the Pharmacy Practice Act or these Rules on the Secretary of State

1 when the Secretary of State becomes an agent of the entity pursuant to Article 4 of Chapter 55D of
2 the North Carolina General Statutes; ~~and Any such out of state pharmacy that does not so~~
3 ~~designate a resident agent shall be deemed to have appointed the Secretary of State of the State of~~
4 ~~North Carolina to be its true and lawful attorney upon whom process may be served. All legal~~
5 ~~process in any action or proceeding against such pharmacy arising from shipping, mailing or~~
6 ~~delivering prescription drugs in North Carolina shall be served on the resident agent. In addition, a~~
7 ~~copy of such service of process shall be mailed to the out of state pharmacy by certified mail,~~
8 ~~return receipt requested, at the address of the out of state pharmacy as designated on the~~
9 ~~registration form filed with the Board. Any out of state pharmacy which does not register in this~~
10 ~~State, shall be deemed to have consented to service of process on the Secretary of State as~~
11 ~~sufficient service.~~

12 (8) Notify the Board within five days of receipt of any order or decision by a Board of Pharmacy or
13 other state or federal agency imposing discipline of any sort on the pharmacy, or receipt of any
14 warning letter from the Food and Drug Administration. [Administration; and

15 (9) Within five days of receipt, provide the Board with any inspection report from any other state's
16 board of pharmacy or other agency that regulates the pharmacy, the Food and Drug
17 Administration, or the National Association of Boards of Pharmacy.]

18 ~~(e)(d)~~ The facilities and records of an out-of-state pharmacy shall be subject to inspection by the Board; provided
19 however, the Board may accept in lieu thereof ~~satisfactory~~ inspection reports by the licensing entity of the state in
20 which the pharmacy is ~~located~~. located or records transmitted by the pharmacy to the Board offices.

21 ~~(d)~~ ~~An out of state pharmacy shall comply with the statutes and regulations of the state in which the pharmacy is~~
22 ~~located.~~

23 (e) Any person who ships, mails, or delivers prescription drugs to North Carolina residents from more than one out-
24 of-state pharmacy location shall register each pharmacy separately.

25 ~~(f)~~ An out-of-state permit holder may be disciplined as set forth in the Pharmacy Practice Act. [pursuant to G.S. 90-
26 85.38(b) based on the conduct of its pharmacy personnel, even if those pharmacy personnel are not licensed or
27 registered with the Board.] The suspension or revocation of the pharmacy's home state permit will result in the
28 immediate suspension or revocation of the out-of-state permit issued by this Board. Prior to original registration, a
29 pharmacist who is an authorized representative of the pharmacy's owner must appear personally at the Board office
30 on the first Monday of the month, the Monday before the monthly Board meeting, or such other time as scheduled
31 with the Board's staff. Such authorized pharmacist may represent all pharmacies having the same ownership.

32 ~~(g)~~ ~~An out of state pharmacy shall report to the Board information that reasonably suggests that there is a~~
33 ~~probability that a prescription drug or device dispensed from such out of state pharmacy has caused or contributed to~~
34 ~~the death of any patient. The report shall be filed in writing on a form provided by the Board within 14 days of the~~
35 ~~pharmacy becoming aware of the death. The Board may not disclose the identity of any person or entity making the~~
36 ~~report, except when it is necessary to protect life or health of any person. No such report in possession of the Board~~

1 ~~shall be discoverable or admissible into evidence or otherwise used in any civil action involving private parties,~~
2 ~~except as otherwise required by law.~~

3 ~~(h) The Board may, in accordance with Chapter 150B of the General Statutes, issue a letter of reprimand or~~
4 ~~suspend, restrict, revoke, or refuse to grant or renew registration to an out of state pharmacy if such pharmacy has:~~

5 (1) ~~made false representations or withheld material information in connection with obtaining~~
6 ~~registration;~~

7 (2) ~~been found guilty of or plead guilty or nolo contendere to any felony in connection with the~~
8 ~~practice of pharmacy or the distribution of drugs;~~

9 (3) ~~made false representations in connection with the practice of pharmacy that endanger or are likely~~
10 ~~to endanger the health or safety of the public, or that defraud any person;~~

11 (4) ~~failed to comply with this Rule;~~

12 (5) ~~been the subject of a negligence complaint resulting from the dispensing of prescription drugs to a~~
13 ~~resident of North Carolina and based on an investigation of such complaint been found to be~~
14 ~~negligent;~~

15 (A) ~~by the Board of Pharmacy of the state in which the pharmacy is located;~~

16 (B) ~~by the North Carolina Board of Pharmacy if the Board of Pharmacy of the state where the~~
17 ~~pharmacy is located failed to initiate an investigation of such complaint within 45 days~~
18 ~~after referral of the complaint from the North Carolina Board of Pharmacy; or~~

19 (C) ~~by the North Carolina Board of Pharmacy if the Board of Pharmacy of the state where the~~
20 ~~pharmacy is located initiates an investigation of such complaint within 45 days, but later~~
21 ~~advises the North Carolina Board that it will not make a determination of negligence or~~
22 ~~that it has made no determination of the issue of negligence within one year after referral~~
23 ~~of the complaint and has discontinued any active investigation or proceeding for such~~
24 ~~determination. In any disciplinary proceeding based on negligence, the standard of~~
25 ~~practice shall be that applicable in the state in which the pharmacy is located. In~~
26 ~~disciplinary proceedings pursuant to Part (h)(5)(A) of this Rule, the Board shall adopt the~~
27 ~~findings of negligence by the Board of Pharmacy of the state in which the pharmacy is~~
28 ~~located as part of the Board's final decision without producing its own evidence of~~
29 ~~negligence.~~

30 ~~(i) An out of state pharmacy shall notify the Board within five days of receipt of any order or decision by a Board of~~
31 ~~Pharmacy imposing disciplinary action on the pharmacy. Notwithstanding the provisions of Paragraph (h) of this~~
32 ~~Rule, if the permit or registration in the state where the pharmacy is located is suspended or revoked, then the~~
33 ~~pharmacy's registration in North Carolina will be immediately suspended or revoked for the same period of time.~~

34 ~~(j)(g)~~ An out-of-state pharmacy registration permit shall expire on December 31 of each year.

35 ~~(k)(h)~~ The fees provided for in G.S. 90-85.21A as maximum fees which the Board is entitled to charge and collect
36 are hereby established as the fees for each original registration permit and for annual renewal of each permit.
37 registration.

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History Note: Authority G.S. 90-85.6; 90-85.15A; 90-85.21A; 90-85.22; 90-85.26; ~~90-85.28~~; ~~90-85.29~~; 90-85.30; 90-85.32;
Eff. July 1, 1994;
Amended Eff. March 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, ~~2017~~. 2017;
Amended Eff. May 1, 2022.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1612

DEADLINE FOR RECEIPT: Friday, April 8, 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 (a), line 6, the Rule states that licenses/registrations that are not renewed by March 1 "of the succeeding year" lapse. This may seem obvious, but I would suggest for clarity, editing to say "the year following issuance" or something similar, so it's clear what this language is referring to.

In (d), line 17, please add the oxford comma following "permit."

In (e), lines 21 and 22, the Rule requires applicants for restatement to obtain continuing education "in addition to that required by Rule .2201" and "practical pharmacy experience," among other things. How much extra CE will the Board require, and how will that number be determined? Further, how much practical pharmacy experience is required? Is the requirement that the applicant fulfil the 1500 hours mentioned in R .1503?

In (f), line 26, how will the Board determine what length of time is necessary to restrict the license?

In (g), line 27, the Rule requires submission of a "signed release form." Release of what?

In (g), line 28, what "other forms" will be necessary for a criminal history check?

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

21 NCAC 46 .1612 is amended as published in 36:12 NCR 1049 as follows:

21 NCAC 46 .1612 REINSTATEMENT OF LICENSES AND PERMITS

~~(a) All licenses and registrations issued to individuals~~ Pharmacist licenses, pharmacy technician registrations, dispensing physician registrations, dispensing physician assistant registrations, and dispensing nurse practitioner registrations that are not renewed by March 1 of the succeeding year, lapse and are subject to the maximum reinstatement and renewal fees set out in G.S. 90-85.24 in order to be reinstated.

~~(b) All pharmacy permits and device and medical equipment permits and registrations issued to locations~~ that are reinstated after March 1 and prior to April 1 of the succeeding year are subject to the maximum reinstatement and renewal fees set out in G.S. 90-85.21A and 90-85.24. After March 31, ~~permits and registrations issued to locations~~ holders of lapsed permits shall submit new applications and are subject to the maximum original registration fees. ~~This Rule also applies to licenses, registrations, and permits reinstated following voluntary surrender or disciplinary action by the Board.~~

~~(b) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of application.~~

~~(c) Pharmacy intern registrations are governed by Rule .1503 of this Chapter.~~

~~(d) In order to apply to have a license, permit or registration reinstated following a voluntary surrender or disciplinary action, the applicant must complete a reinstatement application and pay the maximum reinstatement fee allowed by G.S. 90-85.24.~~

~~(e)~~ (e) The Board shall require applicants for reinstatement of a lapsed license who have not practiced pharmacy within two years prior to application for reinstatement to obtain continuing education in addition to that required by Rule .2201 of this Chapter, practical pharmacy experience, successfully complete one or more parts of the Board's licensure examination, or a combination of the foregoing, as the Board deems necessary to ensure that the applicant can safely and properly practice pharmacy.

~~(f)~~ (f) The Board shall also restrict licenses reinstated pursuant to G.S. 90-85.19 for such period of time as the Board deems necessary to ensure that the applicant can safely and properly practice pharmacy.

~~(g) All applicants for reinstatement of a license shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of application. If the applicant withdraws the reinstatement application or the Board denies it, no fees will be refunded to the applicant.~~

History Note: Authority G.S. 90-85.6; 90-85.15A; 90-85.17; 90-85.19; 90-85.21; 90-85.21A; 90-85.22; 90-85.24;

Eff. April 1, 1999;

Amended Eff. March 1, 2006; July 1, 2005;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017-2017;

Withdrawn

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1613

DEADLINE FOR RECEIPT: Friday, April 8, 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 (a)(1), does the reference to “pharmacist vaccinator” include “immunizing pharmacists” as defined by G.S. 90-85.15B? If so, do you need a citation to that statute in the History Note?

In (a)(3), line 14, please change “U.S. Code” to “U.S.C.”

In (a)(4), line 15, please add the oxford comma following “revoked”.

In (b), line 17, I believe “fee” should be plural.

In (b)(5), what kind of proof of eligibility will the Board require?

In the History Note, I am a little confused by the reference to G.S. 90-85.21(b). Did you mean 90-85.21B?

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

21 NCAC 46 .1613 is amended as published in 36:12 NCR 1049 as follows:

21 NCAC 46 .1613 EXTENSION PERIOD FOR CERTAIN MEMBERS OF THE ARMED FORCES

(a) Definitions:

- (1) "Eligible licensee" means a pharmacist who holds a license in good standing from the Board of Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension of time in which to file a tax return pursuant to G.S. 105-249.2. "Eligible licensee" includes a pharmacist who holds a Clinical Pharmacist Practitioner credential or who is a pharmacist vaccinator.
- (2) "Eligible registrant" means a pharmacy intern, pharmacy technician, dispensing physician, dispensing nurse practitioner or dispensing physician assistant who holds a registration in good standing from the Board of Pharmacy, who serves the armed forces of the United States, and who is eligible for an extension of time in which to file a tax return pursuant to G.S. 105-249.2.
- (3) "Extension period" means the time period specified in 26 U.S. Code 7508.
- (4) "Good standing" means a license or registration that is not suspended, revoked or subject to a current disciplinary order.

(b) Extension of time to pay license or registration renewal fee and waiver of continuing education requirements:

- (1) An eligible licensee or registrant shall notify the Board of eligibility for the extension period before his or her current license or registration expires. Upon such notification, the Board shall maintain the license or registration in active status through the extension period.
- (2) If an eligible licensee or registrant fails to notify the Board of eligibility for the extension period before his or her current license or registration expires, upon receipt and acceptance of a renewal application within the extension period and presentation of proof that the licensee or registrant was an eligible licensee or registrant on the date that is the deadline for renewal, the expired license or registration shall be deemed retroactively to have not expired.
- (3) Notwithstanding 21 NCAC 46 .1612(a) and .3301(a), an eligible licensee or registrant who submits a renewal application and pays the renewal fee required by the Board within the extension period shall not be deemed to hold a lapsed license or registration subject to reinstatement fees.
- (4) Notwithstanding 21 NCAC 46 .2201, .3101(d) and .2507(d), an eligible licensee may renew his or her license within the extension period despite failing to complete the specified continuing education requirements.
- (5) A licensee or registrant shall provide proof of eligibility for the extension period when the licensee or registrant submits the renewal application.

*History Note: Authority G.S. 90-18.1; 90-18.2; 90-85.6; 90-85.15A; 90-85.17; 90-85.21(b); 90-85.24; 90-85.26A; 93B-15;
Eff. April 1, 2010;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,*
2 *~~2017.~~2017;*
3 *Amended Eff. May 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .1615

DEADLINE FOR RECEIPT: Friday, April 8, 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:

Is (b) necessary? I don't see that it meets the definition of a "Rule" in G.S. 150B-2(8a).

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

Brian Liebman
Commission Counsel
Date submitted to agency: March 25, 2022

21 NCAC 46 .1615 is amended as published in 36:12 NCR 1049 as follows:

21 NCAC 46 .1615 E-PROFILE NUMBER REQUIRED FOR LICENSE, PERMIT, OR REGISTRATION

(a) As part of the application for issuance or renewal of any in-state or out-of-state pharmacy permit, device and medical equipment permit, license to practice pharmacy, pharmacy intern registration, or pharmacy technician registration issued by the Board, the permittee, licensee, or registrant must report an e-Profile number to the Board.

(b) An e-Profile number is a unique identifier for permittees, licensees, and registrants that allows for the accurate identification and collection of licensure, disciplinary, inspection, and other information in a secured electronic profile.

(c) A An applicant, permittee, licensee, or registrant may obtain an e-Profile number at no cost by contacting the National Association of Boards of Pharmacy by phone at (847) 391-4406; by mail at 1600 Feehanville Drive, Mount Prospect, Illinois 60056; or electronically at www.nabp.pharmacy.

~~(d) Any person or entity holding a permit, license, or registration as of the effective date of this rule must obtain an e-Profile number prior to renewal of the permit, license, or registration for 2018.~~

History Note: Authority G.S. 90-85.6; 90-85.14; 90-85.15; 90-85.15A; 90-85.17; 90-85.20; 90-85.21; 90-85.21A; 90-85.22.

Eff. May 1, ~~2017~~; 2017;

Amended Eff. May 1, 2022.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Pharmacy

RULE CITATION: 21 NCAC 46 .2515

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 (a), line 4, please omit the parentheses and incorporate the parenthetical into the body of the Rule.

In (a), lines 8-9, is "state and federal laws and regulations" also intended to include "rules"? Also, when you say "state" do you mean the State of North Carolina? If so, please consider "Federal and State statutes, rules, and regulations...."

In (a), lines 6-7, what is meant by "are able to perform at the same level of competence, attention, and proficiency as if the personnel were physically present in the pharmacy"? Are there specific requirements or rules that they are required to meet?

In (b), was your intent to state that out-of-state permit holders could permit remote practice with respect to drugs, etc., dispensed into the State of North Carolina?

In (c), line 14, please add the oxford comma following "device".

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

Brian Liebman
Commission Counsel
Date submitted to agency: April 12, 2022

21 NCAC 46 .2515 is adopted as published in 36:12 NCR 1056 as follows:

21 NCAC 46 .2515 REMOTE WORK BY PHARMACY PERSONNEL

(a) Pharmacy personnel may perform pharmacy practice (other than any physical acts in the dispensing process) remotely with respect to drugs, devices, or medical equipment dispensed by the permitted pharmacy location by which they are employed. The pharmacist-manager must ensure that pharmacy personnel are able to perform at the same level of competence, attention, and proficiency as if the personnel were physically present in the pharmacy, including having secure access to the pharmacy's information system, and that all applicable state and federal laws and regulations are followed.

(b) Out-of-state permit holders may permit remote pharmacy practice by their own employees with respect to drugs, devices, or medical equipment dispensed by those pharmacy locations only to the extent permitted by the laws of the states in which they are located.

(c) This Rule does not include services provided by someone who is not an employee of the permitted pharmacy location that is dispensing the drug, device or medical equipment. Any such remote medication order entry services are governed by Rule .1816 of this Chapter.

History Note: Authority G.S. 90-85.6; 90-85.21; 90-85.21A; 90-85.26; 90-85.32; 90-85.34;

Eff. May 1, 2022.

Commission Review

Log of Temporary Rule Filings

March 29, 2022 through April 21, 2022

* Approval Recommended, ** Objection Recommended, *** Other

PUBLIC HEALTH, COMMISSION FOR

The rules in Chapter 41 concern epidemiology health.

The rules in Subchapter 41C concern occupational health including general provisions (.0100); dusty trades program (.0200); industrial hygiene consultation program (.0300); occupational health nursing consultation program (.0400); asbestos hazard management program (.0600); occupational health surveillance (.0700); lead-based paint hazard management program (.0800); lead-based paint hazard management program for renovation, repair and painting (.0900); and lead and asbestos inspection, testing, abatement, and remediation in North Carolina public schools and licensed child care facilities (.1000).

<u>Definitions</u>	10A NCAC 41C .1001
Adopt*	
<u>Funding</u>	10A NCAC 41C .1002
Adopt*	
<u>Asbestos Inspections and Abatement in North Carolina Publ...</u>	10A NCAC 41C .1003
Adopt*	
<u>Lead-Based Paint Inspections and Abatement in North Carol...</u>	10A NCAC 41C .1004
Adopt*	
<u>Lead Poisoning Hazards in Drinking Water in North Carolin...</u>	10A NCAC 41C .1005
Adopt*	
<u>Certified Risk Assessors</u>	10A NCAC 41C .1006
Adopt*	
<u>Incorporation by Reference</u>	10A NCAC 41C .1007
Adopt*	



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

Commission for Public Health

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

HELEN WOLSTENHOLME • Interim Deputy Secretary for Health

MARK T. BENTON • Assistant Secretary for Public Health

Division of Public Health

MEMORANDUM

DATE: March 31, 2022

TO: Rules Review Commission

FROM: Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health

RE: Waiver of 210-Day Requirement for Rules 10A NCAC 41C .1001-.1007

On March 29, 2022, the Commission for Public Health (CPH) adopted rules 10A NCAC 41C .1001-.1007 under temporary procedures. The proposed rules implement a recent act of the General Assembly and recent change to state budgetary policy. Session Law 2021-180, Section 9G.8.(a) directs CPH to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public schools and the inspection for and abatement of asbestos and lead-based paint hazards in public schools and child care facilities. CPH adopted these rules to establish these requirements.

Session Law 2021-180 occurred on November 18, 2021 with Section 9G.8.(a) made effective July 1, 2021. CPH submitted this temporary rule package to the Rules Review Commission (RRC) today, which is 133 days from the date this legislation was signed into law. This is within the 210 days required by G.S. 150B-21.1(a2). However, if determined necessary due to the retroactive effective date, CPH requests that the RRC waive the 210-day requirement under G.S. 150B-21.1(a2) for this rule package.

The remainder of this memo discusses each of the elements the RRC is directed to consider in granting a waiver request, as set out in G.S. 150B-21.1(a2): *“Upon written request of the agency, the Commission may waive the 210-day requirement upon consideration of the degree of public benefit, whether the agency had control over the circumstances that required the requested waiver, notice to and opposition by the public, the need for the waiver, and previous requests for waivers submitted by the agency.”*

Degree of Public Benefit

There is a high degree of public benefit afforded by this rule package going into effect quickly under temporary rulemaking. These rules establish necessary requirements for programs to test for and remediate lead in drinking water in public school units and inspect for and abate asbestos and lead-based paint hazards in public school units and licensed child care facilities. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931
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by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding.

Control Over Circumstances

CPH had no control over the circumstances that led to the need for this waiver request, namely that the legislative provision was made retroactively effective by approximately 4.5 months. CPH took timely action to adopt and submit these rules within 133 days of the date the legislation was signed into law.

Notice to and Opposition by the Public

In the notice of temporary rulemaking provided to interested persons and other interested parties, in alignment with G.S. § 150B-21.1(a3)(2), CPH included notice of its intent to seek waiver of the 210-day requirement for temporary rulemaking, if it is determined necessary to pursue the temporary rulemaking effort. CPH did not receive any objections in response to this notification and is not aware that any member of the public objects to the RRC granting this waiver, if determined necessary.

Necessity

If it is determined that this rulemaking effort falls outside of the 210-day requirement, waiver is necessary for this rule package to be approved for entry into the administrative code.

Previous Requests for Waiver

To my knowledge, CPH has only submitted a request to waive the 210-day requirement once before, on a separate rule set in 2014.

Thank you for your consideration of this memorandum. If you have questions related to this memorandum, please contact me at virginia.niehaus@dhhs.nc.gov.

cc: Dr. Ron May, Chair, Commission for Public Health

Burgos, Alexander N

From: Liebman, Brian R
Sent: Monday, April 18, 2022 2:16 PM
To: Niehaus, Virginia
Cc: Leloudis, Kirsten E; Burgos, Alexander N
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Hi Virginia,

Hope you had a great weekend as well.

I think I am good, and will be recommending approval of your temp rules to RRC at the meeting later this week.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Monday, April 18, 2022 2:05 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Hi Brian,

I hope you had a nice weekend. I am following up to see if you had any additional questions on this rule package.

Regards,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
[NC Department of Health and Human Services](#)
Pronouns: she/her/hers

Don't wait to vaccinate. Find a COVID-19 vaccine location near you at [MySpot.nc.gov](https://www.myspot.nc.gov).

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Niehaus, Virginia
Sent: Wednesday, April 13, 2022 1:33 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Hi Brian,

I have attached responses to the request for technical changes and three revised rules: 41C .1001, .1003, and .1004.

With regards to the question below, please share this response with the inquiring Commissioner:

SL 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health, the Child Care Commission, and the State Board of Education to adopt rules *as necessary* to implement the subdivision, to be fully inclusive of all potential rulemaking agencies who regulate components of the programs created under the subdivision. This grants separate rulemaking authority to each agency within their area of expertise. Under G.S. 130A-29, the Commission for Public Health is created with the authority and duty to adopt rules to protect and promote the public health. The Commission for Public Health determined this rule package is necessary to implement these programs and protect and promote public health. The Division of Public Health, in support of the Commission for Public Health, coordinated with support staff for the State Board of Education and Child Care Commission on this package of rules. The State Board of Education and Child Care Commission are assessing whether separate rules will be needed to implement these programs. In speaking with counsel to the Child Care Commission, I understand that support staff expect to bring rules forward for consideration at their next meeting.

Please let me know if you have any further questions on these rules.

Please include the following individuals on the WebEx Invite for the meeting:

- Virginia Niehaus virginia.niehaus@dhhs.nc.gov
- Kirsten Leloudis kirsten.leloudis@dhhs.nc.gov
- John Barkley jbarkley@ncdoj.gov
- Larry Michael larry.michael@dhhs.nc.gov
- Ed Norman ed.norman@dhhs.nc.gov
- Kimly Blount kimly.blount@dhhs.nc.gov
- Jeff Dellinger jeff.dellinger@dhhs.nc.gov

Regards,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
[NC Department of Health and Human Services](#)
Pronouns: she/her/hers

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, April 11, 2022 2:34 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Good afternoon,

I am passing along a question I've received from one of our Commissioners:

The provision granting rule-making authority tells both the Commission for Public Health and the State Board of Education to adopt rules. Has the State Board played any role in adopting these rules? Do they intend to, or is there some different set of rules they intend to adopt? Can these rules become effective if not adopted by both agencies?

If you could provide an answer to these questions before the end of the week, I'd really appreciate it.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Liebman, Brian R
Sent: Thursday, April 7, 2022 5:08 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Hi Virginia,

It's nice to meet you virtually as well! Thanks for getting back to me.

Based on what I've seen already, and the information you've provided me here, I will recommend that RRC grant your request for a waiver at the April meeting. I look forward to seeing your responses, and hope we can wrap these rules up quickly.

Have a great rest of your week,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Sent: Thursday, April 7, 2022 2:40 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Hi Brian,

It is nice to meet you virtually. Thank you for your feedback on these rules. We will review the request for technical changes and provide responses and revised rules by April 14.

With regard to your question about the waiver, the Commission for Public Health took initial action on these rules at its first regular meeting (2/2/22) following the date the budget was passed (11/18/21). The immediately preceding regular meeting took place on 11/3/21. Please let me know if you have any additional questions about this.

I will also compile and send you the names and contact information of any agency representatives who will be attending the RRC meeting virtually.

Thanks,
Virginia

Virginia R. Niehaus, JD, MPH
Director of Regulatory and Legal Affairs
Division of Public Health
[NC Department of Health and Human Services](#)
Pronouns: she/her/hers

Don't wait to vaccinate. Find a COVID-19 vaccine location near you at MySpot.nc.gov.

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Thursday, April 7, 2022 12:55 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Review of Temporary Rules for April 2022 meeting

Good afternoon,

Just a note, we noticed that there were two minor mistakes in the document I sent you. One, I put the title for these Rules as 10, rather than 10A, and I forgot to put the date I sent them to you in the footer. We've corrected this for the version posted to our website and given to RRC, so I'm attaching that here for you as well. To be clear, there were no substantive changes to the change requests.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Liebman, Brian R
Sent: Wednesday, April 6, 2022 7:19 PM
To: Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>
Cc: Leloudis, Kirsten E <Kirsten.Leloudis@dhhs.nc.gov>
Subject: RRC Review of Temporary Rules for April 2022 meeting

Good afternoon,

I'm the attorney who reviewed the temporary rules submitted by CPH for the April 2022 RRC meeting. Attached, please find a document containing requests for changes.

In general, I don't have any major concerns with these rules. You'll see most of my change requests are related to usage and making sure terms are consistent.

Also, with respect to your request for a waiver of the 210-day rule, I did have one minor question about the timing. I'm assuming since CPH is a commission, it only had one or two regularly scheduled meetings between the passage of the budget on 11/18/21 and when it submitted the rules to OAH on 2/2/22, correct? I think CPH's ability to come together to draft and approve rules is relevant to whether a waiver should be granted.

The RRC will formally review the waiver request and these temporary 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 evite 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 evites out to them as well.

Please submit the revised Rules to me via email, no later than 5 p.m. on Thursday, April 14, 2022. While you'd ordinarily have until Friday, 4/15, that's Good Friday, so per RRC rules, your responses are due the last business day before the holiday.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,
Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1001 Definitions
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1001 is adopted with changes under temporary procedures as follows:

2
3 **SECTION .1000 – LEAD AND ASBESTOS INSPECTION, TESTING, ABATEMENT, AND**
4 **REMEDICATION IN NORTH CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE**
5 **FACILITIES**
6

7 **10A NCAC 41C .1001 DEFINITIONS**

8 For the purposes of this Section, the following definitions shall apply:

- 9 (1) “Department” means the North Carolina Department of Health and Human Services.
10 (2) “Licensed child care facility” means a child care facility as defined at G.S. 110-86(3).
11 (3) “Public school” means a public school unit as defined at G.S. 115C-5(7a).
12 (4) “Program” means the North Carolina Department of Health and Human Services, Division of
13 Public Health, Environmental Health ~~Section. Section, Health Hazards Control Unit.~~
14 (5) “Responsible individual” means the ~~principal~~ superintendent of a public school operated by a local
15 school administrative unit, as defined in G.S. 115C-5(6), or the principal’s superintendent’s
16 designee designee(s); the governing body of any charter school or school operated under Article
17 7A or Article 9C of G.S. 115C or that body’s designee(s); or the operator of a licensed child care
18 facility or the operator’s designee, designee(s), as applicable.
19

20 *History Note: Authority S.L. 2021-180, s. 9G.8;*
21 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1002 Funding
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



DFAGFF2089494DF...
*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1002 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1002 FUNDING**

4 (a) Public schools and licensed child care facilities in North Carolina shall be eligible to participate in the funding
5 mechanisms established in accordance with S.L. 2021-180, Sec. 9G.8. to fully or partially offset the cost of conducting
6 testing for lead in water and inspections ~~inspection~~ for asbestos and lead-based paint hazards, when ~~the responsible~~
7 ~~individual conducts the~~ a test for lead in water is conducted within 24 months after the effective date of this Rule or
8 an inspection for lead lead-based paint or asbestos is conducted within 18 months after the effective date of this Rule
9 and the test or inspection is conducted in accordance with the rules of this Section.

10 (b) Public schools and licensed child care facilities that are eligible to participate under Paragraph (a) of this Rule shall
11 also be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, Sec. 9G.8. to
12 fully or partially offset the cost of conducting remediation of lead in water and abatement of asbestos and lead-based
13 paint hazards identified under this Section when the following requirements are met:

- 14 (1) lead or asbestos is detected that meets the requirements under the rules of this Section for abatement
15 or remediation;
16 (2) the abatement or remediation, as applicable, is performed in accordance with the rules of this
17 Section; and
18 (3) replacement materials used to abate asbestos hazards do not contain more than 1% asbestos and
19 replacement materials used to abate lead-based paint hazards do not contain lead in excess of 90
20 parts per million.

21 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, licensed child care centers conducting testing and remediation
22 of water outlets used for drinking or food preparation ~~in child care centers~~ pursuant to 15A NCAC 18A .2816 shall be
23 eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, Sec. 9G.8. for testing
24 conducted in accordance with that Rule within ~~18~~24 months after the effective date of this Rule and remediation
25 conducted in accordance with that Rule between 24 months prior to the effective date of this Rule and the date on
26 which funds are no longer available in accordance with S.L. 2021-180, Sec. 9G.8.(d).

27 (d) Notwithstanding Paragraphs (a) and (b) of this Rule, if asbestos or lead-based paint is detected during a capital,
28 renovation, or repair project in a public school or licensed child care facility, the public school or licensed child care
29 facility shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, Sec.
30 9G.8. as follows:

- 31 (1) to fully or partially offset the cost of conducting an inspection in accordance with Rules .1003(b) or
32 .1004(b) of this Section, as applicable, except that the inspection may be limited to the area in the
33 public school or licensed child care facility where the capital, renovation, or repair project is being
34 conducted; and
35 (2) to fully or partially offset the cost of conducting abatement when lead-based paint or asbestos is
36 detected that meets the requirements under the Rules of this Section for abatement and abatement is
37 conducted in accordance with Rules .1003(e) and .1004(e) of this Section and with the limitation on

1 materials set out in Subparagraph (b)(3) of this Rule, except that the abatement may be limited to
2 the area in the public school or licensed child care facility where the capital, renovation, or repair
3 project is being conducted.

4 (e) Inspections and abatements described in Paragraph (d) of this Rule that are limited to the area in the public school
5 or licensed child care facility where the capital, renovation, or repair project is being conducted shall not satisfy the
6 facility-wide inspection requirements for public schools and licensed child care facilities set out in Rules .1003 and
7 .1004 of this Section.

8 (f) Notwithstanding the foregoing, to be eligible to participate in any funding mechanism under this Rule, responsible
9 individuals shall make all records regarding testing, inspection, abatement, and remediation available to the
10 Department upon request, including, but not limited to, itemized expense reports for activities funded under S.L. 2021-
11 180, Sec. 9G.8. ~~this Section.~~

12 (g) Nothing in this Rule shall require the Department to provide funding if the Department determines there are not
13 sufficient funds available in accordance with S.L. 2021-180, Sec. 9G.8.(d).

14
15 *History Note: Authority S.L. 2021-180, s. 9G.8;*
16 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1003 Asbestos Inspections and Abatement in North Carolina Public Schools and Licensed Child Care Facilities
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1003 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1003 ASBESTOS INSPECTIONS AND ABATEMENT IN NORTH CAROLINA PUBLIC**
4 **SCHOOLS AND LICENSED CHILD CARE FACILITIES**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Abatement" means as defined at G.S. 130A-444(4), and also includes renovation activities that
7 are carried out to repair, maintain, remove, isolate, or encapsulate asbestos containing material.
8 Abatement shall not be considered complete until a final clearance inspection of the public school
9 or licensed child care facility is performed by an air monitor in accordance with 40 C.F.R.
10 763.90(i).
11 (2) "Air monitor" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(3).
12 (3) "Asbestos" means as defined at G.S. 130A-444(2).
13 (4) "Asbestos containing material" means as defined at G.S. 130A-444(3).
14 (5) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards
15 set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40
16 C.F.R. ~~763.88(b)(1)-(6). 763.88(b).~~
17 (6) "Inspection" in a licensed child care facility means an examination of the facility for the presence
18 of asbestos hazards that is conducted by an inspector in accordance with the rules of Section .0600
19 of this Subchapter. "Inspection" in a public school means a reinspection conducted in alignment
20 with G.S. 130A-445, 10A NCAC 41C .0604, and 40 C.F.R.763.85(b).
21 (7) "Inspector" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(7).
22 (8) "Management Planner" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(9).

23 (b) Each responsible individual shall ensure that an inspection is conducted for asbestos hazards in each public
24 school or licensed child care facility for which he or she is responsible ~~their facility~~ within 18 months of the
25 effective date of this Rule. Inspections for asbestos hazards shall be performed by an inspector and documented in
26 an inspection survey report in accordance with the rules of Section .0600 of this Subchapter. A management planner
27 shall review the inspection survey report to determine whether an asbestos hazard has been detected and shall
28 document his or her findings in an asbestos management plan in accordance with Rule 10A NCAC 41C .0604.

29 (c) If the management planner determines that an asbestos hazard has been detected, then the responsible individual
30 shall restrict access to the identified asbestos hazard until it is abated in accordance with this Rule.

31 (d) A determination by a management planner that an asbestos hazard is present in a ~~the~~ public school or licensed
32 child care facility that is documented in an asbestos management plan in accordance with Paragraph (b) of this Rule
33 shall satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that asbestos is detected that
34 meets the requirements for abatement.

35 (e) Abatement shall be performed by one or more professionals who are accredited in accordance with 10A NCAC
36 41C .0602 and shall be performed in accordance with the rules of Section .0600 of this Subchapter.

(f) The information listed in this Paragraph shall be submitted to the Program by email to
general.hccu@dhhs.nc.gov:

- (1) Within ~~30~~45 calendar days following the date on which an inspection is completed pursuant to this Rule, the management planner shall submit:
 - (A) the name, address, email address, and phone number ~~name and contact information~~ of the responsible individual;
 - (B) the name, address, email address, phone number, ~~name, contact information~~, and accreditation number of the management planner;
 - (C) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;
 - (D) whether the facility for which the responsible individual is submitting the information is a public school or a licensed child care facility;
 - (E) whether the inspection identified the presence of an asbestos hazard;
 - (F) a description of any identified asbestos hazard; and
 - (G) the results of any laboratory testing conducted during the inspection.

~~(2)~~ If the public school or licensed child care facility plans to use a previous inspection or documentation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the inspection survey report, reinspection report, or management plan associated with the previous inspection or the documentation within 18 months after the effective date of this Rule in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.

~~(2)(3)~~ At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible individual shall submit:

- (A) the name, address, email address, and phone number ~~name and contact information~~ of the responsible individual;
- (B) the name and ~~address~~ address, including county, of the individual school and the public school unit or the licensed child care facility, as applicable;
- (C) the names, addresses, email addresses, phone numbers, ~~names, contact information~~, and accreditation numbers of the professionals who will conduct the abatement;
- ~~(D)~~ whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
- ~~(E)(D)~~ the dates on which the abatement is scheduled to occur; and
- ~~(F)(E)~~ a description of the planned abatement.

~~(3)(4)~~ Within ~~30~~45 calendar days following the date on which an abatement completed pursuant to this Rule, the responsible individual shall submit:

- (A) the name, address, email address, and phone number ~~name and contact information~~ of the responsible individual;

- 1 (B) the name and address, including county, of the individual school and the public school
2 unit or the licensed child care facility;
3 (C) whether the facility for which the responsible individual is submitting the report is a public
4 school or a licensed child care facility;
5 (D) the date on which the abatement was completed; and
6 (E) a report of the results of the final clearance inspection.

7 (g) In accordance with 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable, licensed child care facilities
8 shall inspect for asbestos hazards in accordance with this Rule to ensure these facilities are safe and free from
9 hazards that may injure children. The failure of a responsible individual in licensed child care facility to inspect for
10 asbestos hazards or to restrict access to or abate identified asbestos hazards in accordance with this Rule shall be
11 considered a violation of 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable.

12 (h) The requirements of Paragraph (b) of this Rule shall be considered met if:

- 13 (1) the public school or licensed child care facility previously completed an inspection of its buildings
14 that meets the requirements of Section .0600 of this Subchapter, provided that building material
15 that was sampled during a previous inspection and reported as trace asbestos or between 0% and
16 10% asbestos content shall be reinspected in accordance with the process established in
17 Paragraphs (b)-(f) of this Rule; or
18 (2) documentation is produced in accordance with 40 C.F.R. 763.99(a)(7).

19
20 *History Note: Authority S.L. 2021-180, s. 9G.8;*
21 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health	
2. Rule citation & name: 10A NCAC 41C .1004 Lead-Based Paint Inspections and Abatement in North Carolina Public Schools and Licensed Child Care Facilities	
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No	
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)
☐ Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

☒ No
9. Rule-making Coordinator: Virginia Niehaus

Phone: (919) 634-0184

E-Mail: virginia.niehaus@dhhs.nc.gov

Agency contact, if any: Kirsten Leloudis

Phone: (919) 607-0813

E-Mail: kirsten.leloudis@dhhs.nc.gov

10. Signature of Agency Head*:

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May

Title: Chair, Commission for Public Health

E-Mail: rmay@carolinaeasthealth.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1004 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1004 LEAD-BASED PAINT INSPECTIONS AND ABATEMENT IN NORTH**
4 **CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE FACILITIES**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Abatement" means as defined at 40 C.F.R. 745.223, and also includes interim controls as defined
7 at 40 C.F.R. 745.83. Abatement shall not be considered complete until a final clearance inspection
8 of the public school or licensed child care facility is performed by a certified risk assessor in
9 accordance with the standards set forth at 40 C.F.R. 745.85(b).
- 10 (2) "Certified Project Designer" means an individual who meets the requirements for a project
11 designer as set forth in G.S. 130A-453.03 and Rule .0802 ~~.0802~~ of this Subchapter.
- 12 (3) "Certified Supervisor" means ~~and an~~ an individual who meets the requirements for a supervisor as set
13 forth in G.S. 130A-453.03 and Rule .0802 of this Subchapter.
- 14 (4) "Certified Risk Assessor" means an individual who meets the requirements for a risk assessor as
15 set forth in G.S. 130A-453.03 and Rule .1006 of this Section.
- 16 (5) "Inspection" means a risk assessment conducted in accordance with 40 C.F.R. 745.223.
- 17 (6) "Inspection report" means a summary prepared in accordance with Rule .0807(b) of this
18 Subchapter.
- 19 (7) "Lead-based paint hazard" means as defined at G.S. 130A-131.7(6).
- 20 (8) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7).
- 21 (9) "Occupant protection plan" means as defined at Rule .0801(a)(6) of this Subchapter.

22 (b) Each responsible individual shall ensure that an inspection is conducted for lead-based paint hazards in each
23 public school or licensed child care facility for which he or she is responsible ~~their facility~~ within 18 months of the
24 effective date of this Rule. Inspections for lead-based paint hazards shall be performed by a certified risk assessor
25 and documented in an inspection report. The certified risk assessor shall determine whether a lead-based paint
26 hazard is present in the public school or licensed child care facility based on the inspection, in accordance with the
27 rules of Sections .0800 and .0900 of this Subchapter, and document the determination in the inspection report. If the
28 certified risk assessor determines that a lead-based paint hazard exists, then an occupant protection plan shall be
29 written by a certified supervisor or certified project designer in accordance with 40 C.F.R. 745.227(e)(5) and the
30 rules of Section .0800 of this Subchapter.

31 (c) If the certified risk assessor determines that a lead-based paint hazard has been detected, then the responsible
32 individual shall restrict access to the identified lead-based paint hazard until abated in accordance with this Rule.

33 (d) A determination by a certified risk assessor that a lead-based paint hazard is present in the public school or
34 licensed child care facility that is documented in the inspection report in accordance with Paragraph (b) of this Rule
35 shall satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that lead is detected that
36 meets the requirements for abatement.

(e) Abatement shall be performed by one or more professionals who are certified in accordance with G.S. 130A-453.03 and Rules .0802 or .0902 of this Subchapter and shall be performed in accordance with the rules of Sections .0800 and .0900 of this Subchapter, as applicable.

(f) The information listed in this Paragraph shall be submitted to the Program by email to general.hccu@dhhs.nc.gov:

(1) Within ~~30~~45 calendar days following the date on which an inspection is completed pursuant to the Rule, the certified risk assessor shall submit:

(A) the name, address, email address, and phone number ~~name and contact information~~ of the responsible individual;

(B) the name, address, email address, phone number, name, contact information, and certification number of the certified risk assessor;

(C) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;

(D) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;

(E) whether the inspection identified the presence of a lead-based paint hazard;

(F) a description of any identified lead-based paint hazard; and

(G) the results of any laboratory testing conducted during the inspection.

~~(2)~~ If the public school or licensed child care facility plans to use a previous inspection or a signed attestation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the inspection report or occupant protection plan associated with the previous inspection or the signed attestation within 18 months from the effective date of this Rule in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.

~~(2)(3)~~ At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible individual shall submit:

(A) the name, address, email address, and phone number ~~name and contact information~~ of the responsible individual;

(B) the name and ~~address~~ address, including county, of the individual school and the public school unit or the licensed child care facility, as applicable;

(C) the names, addresses, email addresses, phone numbers, ~~names, contact information,~~ and certification numbers of the professionals who will conduct the abatement;

~~(D)~~ whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;

~~(E)(D)~~ the dates on which the abatement is scheduled to occur; and

~~(F)(E)~~ a description of the planned abatement.

~~(3)(4)~~ Within ~~30~~45 calendar days following the date on which abatement is completed pursuant to this Rule, the responsible individual shall submit:

- 1 (A) the name, address, email address, and phone number ~~name and contact information~~ of the
2 responsible individual;
- 3 (B) the name and address, including county, of the individual school and the public school
4 unit or the licensed child care facility;
- 5 (C) whether the facility for which the responsible individual is submitting the report is a public
6 school or a licensed child care facility;
- 7 (D) the date on which the abatement was completed; and
- 8 (E) a report of the results of the final clearance inspection.

9 (g) In accordance with 15A NCAC 18A .2816(a), 10A NCAC 09 .0601(f), and 10A NCAC 09 .1707(2), as
10 applicable, licensed child care facilities shall inspect for lead-based paint hazards in accordance with this Rule to
11 ensure these facilities are free from lead poisoning hazards. The failure of a responsible individual in licensed child
12 care facility to inspect for lead-based paint hazards or to restrict access to or abate identified lead-based paint
13 hazards in accordance with this Rule shall be considered a violation of 15A NCAC 18A .2816(a), 10A NCAC 09
14 .0601(f), or 10A NCAC 09 .1707(2), as applicable.

15 (h) The requirements of Paragraph (b) of this Rule shall be considered met if:

- 16 (1) the public school or licensed child care facility has previously completed an inspection of its
17 buildings that meets the requirements of Sections .0800 and .0900 of this Subchapter; or
- 18 (2) the responsible individual of a public school or licensed child care facility located in a building
19 that was built after February 28, 1978 signs a statement attesting that no lead-based paint was used
20 in the building.

21

22 *History Note: Authority S.L. 2021-180, s. 9G.8;*
23 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1005 Lead Poisoning Hazards in Drinking Water in North Carolina Public Schools
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1005 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1005 LEAD POISONING HAZARDS IN DRINKING WATER IN NORTH CAROLINA**
4 **PUBLIC SCHOOLS**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7)(g).
7 (2) "Testing" means the process described in Subparagraphs (b)(1)-(4) of this Rule.
8 (3) "Remediation" means as defined at G.S. 130A-131.7(15).

9 (b) The following actions shall be taken to ensure that drinking water in public schools are free of identified lead
10 poisoning hazards:

- 11 (1) Responsible individuals at public schools shall complete a one-time test of all water outlets used for
12 drinking or food preparation. The responsible individual shall provide documentation of testing
13 results for review by the Department during routine sanitation inspections under Rule 15A NCAC
14 18A .2402(a).
15 (2) Initial water samples shall be collected by the responsible individual and tested in accordance with
16 Subparagraph (b)(3) of this Rule within ~~24~~18 months after the effective date of this Rule.
17 (3) The responsible individual shall collect samples and submit them for testing in accordance with
18 guidance specified by the United States Environmental Protection Agency in its publication, 3Ts
19 for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is hereby
20 incorporated by reference, including any subsequent editions or amendments, and available free of
21 charge at: [https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water)
22 [water. https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-](https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities)
23 [facilities](https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities). Notwithstanding the foregoing guidance, samples may be collected with a stagnation
24 period of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina
25 State Laboratory of Public Health to analyze for lead in drinking water.
26 (4) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory
27 shall notify the Department of the test results by electronic submission in alignment with the
28 requirements of G.S. 130A-131.8.
29 (5) When a public school receives test results from a laboratory indicating that a water sample collected
30 by the responsible individual contains a lead concentration at or above the lead poisoning hazard
31 level, the responsible individual shall:
32 (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead
33 concentrations at or above the lead poisoning hazard level; ~~and~~
34 (B) ensure that all students and staff have access to water free of cost that does not contain lead
35 concentrations at or above the lead poisoning hazard level for drinking and food
36 ~~preparation.~~ preparation; and

- (C) continue to follow Subparagraphs (b)(5)(A)-(B) of this Rule until the Department determines in accordance with Paragraph (b)(10) of this Rule that the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the responsible individual and the Department of Public Instruction in writing of this determination.
- ~~(6)~~ ~~When notified of a water lead level at or above the lead poisoning hazard level, the Department shall conduct sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level within 20 business days of notification.~~
- ~~(7)~~(6) If a water sample collected by the Department responsible individual reveals a water lead level at or above the lead poisoning hazard level, ~~level then~~
- (A) the requirement of Rule .1002(b)(1) of this Section shall be considered ~~met~~; met.
- (B) ~~notice shall be given in accordance with Rule 15A NCAC 18A .2402(e); and~~
- (C) ~~the responsible individual shall continue to follow Subparagraph (b)(5) of this Rule until the Department determines the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the responsible individual, the local superintendent, and the Department of Public Instruction in writing of this determination.~~
- ~~(8)~~(7) Within five business days of receiving the test results of ~~a the Department's~~ water analysis that shows a water lead level at or above the lead poisoning hazard level, the responsible individual shall provide written notification of the test results to the parents or legal guardians of the children attending the public school and the staff of the public school in accordance with the United States Environmental Protection Agency guidance specified in Subparagraph (b)(3) of this Rule.
- ~~(9)~~(8) Within five business days of receiving the test results of ~~a the Department's~~ water analysis that shows a water lead level at or above the lead poisoning hazard level, the public school shall make the test results available to the public, free of charge. The responsible individual may post test results to the public school's website to satisfy the requirement to make the test results available to the public.
- ~~(10)~~(9) Remediation of water outlet(s) producing water lead levels at or above the lead poisoning hazard level shall ensure that water produced is below the lead poisoning hazard level and may include replacement of service lines, pipes, and fixtures and the installation of filters at affected faucets. Within 30 business days from the date on which remediation is conducted under this Rule, the responsible individual shall submit the following information to the Program:
- (A) the name and contact information of the responsible individual;
- (B) the name and address, including county, of the public school;
- (C) the steps taken to remediate the lead poisoning hazard; and
- (D) the date on which the remediation was completed.
- (10) Remediation shall not be considered complete until the Department conducts sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level to confirm

1 that the remediated water outlet is no longer producing water lead levels at or above the lead
2 poisoning hazard level.

3

4 *History Note:* *Authority S.L. 2021-180, s. 9G.8;*

5 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1006 Certified Risk Assessors
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1006 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1006 CERTIFIED RISK ASSESSORS**

4 (a) For the purposes of this Section, a certified risk assessor is defined as an individual who meets the requirements
5 of Rule .0802 of this Subchapter, except that the individual shall be required to complete an accredited refresher course
6 for risk assessors every 36 months from the date of completion of initial training or last training instead of every 24
7 months as set forth in 10A NCAC 41C .0802(b).

8 (b) A certified risk assessor who is certified under Paragraph (a) of this Rule shall be considered a certified risk
9 assessor solely for the purposes of conducting inspections and determinations about the existence of lead-based paint
10 hazards in public schools and licensed child care facilities under Rule .1004 of this Section.

11
12 *History Note:* G.S. 130A-453.03; 130A-453.05; S.L. 2021-180, s. 9G.8;

13 *Temporary Adoption Eff.* ____.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1007 Incorporation by Reference
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



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Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

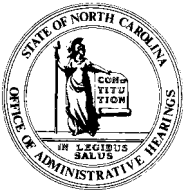
1 10A NCAC 41C .1007 is adopted under temporary procedures as follows:

2
3 **10A NCAC 41C. 1007 INCORPORATION BY REFERENCE**

4 For the purposes of this Section, 40 C.F.R. 763, Subpart E and 40 C.F.R. 745, Subparts L and E are hereby incorporated
5 by reference, including any subsequent amendments or editions, and available free of charge at www.ecfr.gov/.

6
7 *History Note: Authority S.L. 2021-180, s. 9G.8;*

8 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1001 Definitions
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
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Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-180
SENATE BILL 105**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS
OF STATE AGENCIES, DEPARTMENTS, AND INSTITUTIONS AND FOR OTHER
PURPOSES.

The General Assembly of North Carolina enacts:

PART I. TITLE AND INTRODUCTION

TITLE OF ACT

SECTION 1.1. This act shall be known as the "Current Operations Appropriations Act of 2021."

INTRODUCTION

SECTION 1.2. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

PART II. CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

GENERAL FUND APPROPRIATIONS

SECTION 2.1.(a) Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2021-2023 fiscal biennium, according to the following schedule:

Current Operations - General Fund	FY 2021-2022	FY 2022-2023
EDUCATION		
Community College System		
Requirements	1,819,143,571	1,685,373,047
Less: Receipts	502,936,159	345,149,910
Net Appropriation	1,316,207,412	1,340,223,137
Public Instruction		
Requirements	13,493,426,049	13,146,477,032
Less: Receipts	2,890,675,279	2,219,558,462
Net Appropriation	10,602,750,770	10,926,918,570

University of North Carolina
UNC at Asheville



- (f) Removal. – The Governor may remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance, as provided in G.S. 143B-13.
- (g) Compensation. – The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.
- (h) Quorum. – A majority of the membership of the Commission constitutes a quorum for the transaction of business.
- (i) Services. – All clerical and other services required by the Commission shall be supplied by the Secretary.

"§§ 87-99.3 through 87-99.9: Reserved for future codification purposes."

SECTION 9G.7.(c) G.S. 93B-1(3) reads as rewritten:

"(3) State agency licensing board. – Any State agency staffed by full-time State employees, which as part of their regular functions issue licenses. This section does not apply to the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Sheriffs' Education and Training Standards Commission, and the North Carolina Department of Revenue. The following is a nonexclusive list of State agency licensing boards and the profession or occupation for which the board, agency, or officer may issue licenses:

...

~~b. The Department of Environmental Quality.~~

~~1. Well Contractors Certification Commission.~~

~~I. Well Contractor. Article 7A of Chapter 87 of the General Statutes.~~

c. The Department of Health and Human Services.

1. North Carolina Medical Care Commission.

I. Ambulance Attendant, Emergency Medical Technician. Article 7 of Chapter 131E of the General Statutes.

2. Well Contractors Certification Commission.

I. Well Contractor. Article 7A of Chapter 87 of the General Statutes.

...."

SECTION 9G.7.(d) G.S. 143B-138.1(d) is amended by adding a new subdivision to read:

"(7) Well Contractors Certification Commission."

LEAD AND ASBESTOS REMEDIATION IN PUBLIC SCHOOL UNITS AND CHILD CARE FACILITIES

SECTION 9G.8.(a) Of the funds appropriated in this act from the State Fiscal Recovery Fund to the Department of Health and Human Services, Division of Public Health, the sum of one hundred fifty million dollars (\$150,000,000) in nonrecurring funds for the 2021-2022 fiscal year shall be allocated as follows for lead and asbestos remediation and abatement programs to benefit public school units and child care facilities:

- (1) \$32,812,500 in nonrecurring funds shall be used to fund a program for the testing and remediation of lead levels in drinking water at public school units and child care facilities. As part of this program, public school units shall be required to test for lead levels in drinking water at their facilities, to the extent feasible and practical, following the same model for testing conducted in child care facilities pursuant to 15A NCAC 18A .2816. In addition, the program shall include at least the following components:

- a. The Department of Health and Human Services (DHHS) and the Department of Public Instruction (DPI) shall develop a mechanism for providing funding for the testing and mitigation of lead in drinking water that meets the lead poisoning hazard level, as set forth in G.S. 130A-131.7, that is identified in public school units and child care facilities, including the replacement of service lines, pipes, and fixtures, as needed, or for the installation of filters at affected faucets within public school units and child care facilities that test positive for lead in drinking water.
 - b. The Commission for Public Health, Child Care Commission, and State Board of Education shall adopt rules as necessary to implement this subdivision.
- (2) \$117,187,500 in nonrecurring funds shall be used to fund a program for lead paint abatement and asbestos abatement in public school units and child care facilities. As part of the program, public school units and child care facilities shall be required to conduct inspections for lead paint and asbestos hazards in their facilities. The program shall include at least the following components:
- a. DHHS and DPI shall develop a mechanism for providing funding for lead paint abatement, asbestos inspection and abatement, or both in public school units and child care facilities; provided, however, that the following conditions are met:
 - 1. A professional accredited in accordance with G.S. 130A-447 or certified in accordance with G.S. 130A-453.03 determines that action must be taken in response to an inspection report.
 - 2. Lead paint, asbestos, or both are detected as part of an inspection or as part of a capital, renovation, or repair project that meets the lead-based paint hazard level, as set forth in G.S. 130A-131.7, or that meets the definition of asbestos containing material, as set forth in G.S. 130A-444. Capital projects may include HVAC, window, or other ventilation projects related to COVID-19 mitigation, or other capital, renovation, or repair projects undertaken during calendar years 2021 through 2024.
 - b. A requirement that public school unit recipients of funds allocated under this subdivision shall provide matching funds in the amount of one dollar (\$1.00) of local funds for every two dollars (\$2.00) of State funds.
 - c. The Commission for Public Health, Child Care Commission, and State Board of Education shall adopt rules as needed to implement this subdivision.

SECTION 9G.8.(b) The Department of Health and Human Services, Division of Public Health (DPH), shall serve as the lead agency responsible for administering the programs authorized by subsection (a) of this section. In serving in this capacity, the DPH shall collaborate with (i) the Department of Public Instruction regarding administration of these programs for the benefit of public school units and charter schools and (ii) its Division of Child Development and Early Education regarding administration of these programs for the benefit of child care facilities. The DPH shall transfer funds to the Department of Public Instruction and to the Division of Child Development and Early Education as necessary to accomplish the goals of these programs in an efficient and cost-effective manner.

SECTION 9G.8.(c) Not later than six months after all funds appropriated in this act for the purposes of this section have been expended, the Department of Health and Human

Services, Division of Public Health, and the Department of Public Instruction shall report to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division on the following lead and asbestos remediation and abatement activities authorized by this section, broken down by county:

- (1) The number of public school units and child care facilities tested for lead in drinking water, for lead paint or asbestos in the buildings or facilities, or a combination of these.
- (2) The number of public school units and child care facilities determined to be in need of remediation for lead in drinking water, for lead paint or asbestos abatement, or a combination of these.
- (3) The number of public school units and child care facilities that have requested assistance from the Department of Health and Human Services or the Department of Public Instruction with remediation for lead in drinking water, for lead paint or asbestos abatement, or for a combination of these.
- (4) The number of remediation or abatement projects completed under the programs authorized by subsection (a) of this section and the total amount of funds expended for each project, broken down by each category of remediation and abatement.

SECTION 9G.8.(d) The funds allocated under this section shall remain available until depleted or on the date federal law requires the funds to be fully expended, whichever is earlier.

USE OF JUUL SETTLEMENT FUNDS

SECTION 9G.10.(a) The Youth Electronic Nicotine Dependence Abatement Fund (Fund) is created within the Department of Health and Human Services, Division of Public Health, as a nonreverting special fund. The Fund shall consist of (i) monies received by the State as a beneficiary of the final consent judgment resolving the case, *State of North Carolina, ex rel. Joshua H. Stein, Attorney General v. Juul Labs, Inc.*, in the General Court of Justice, Superior Court Division, Durham County (JLI Case) and (ii) all interest and investment earnings received on monies in the Fund. Monies in the Fund shall be expended only by an act of appropriation by the General Assembly and in accordance with the final consent judgment resolving the JLI Case.

SECTION 9G.10.(b) There is appropriated from the Youth Electronic Nicotine Dependence Abatement Fund created in subsection (a) of this section to the Department of Health and Human Services, Division of Public Health, the sum of thirteen million dollars (\$13,000,000) in nonrecurring funds for the 2021-2022 fiscal year to be used and allocated as follows:

- (1) \$2,000,000 shall be transferred to the Department of Justice to cover the costs of litigation incurred by the Office of the Attorney General with respect to the JLI Case.
- (2) \$4,400,000 shall be allocated for tobacco cessation media campaigns, resources, and programs to help both youth and young adults who have become addicted to nicotine using e-cigarettes and other tobacco/nicotine products quit.
- (3) \$3,300,000 shall be allocated for evidence-based media and education campaigns to prevent the initiation of tobacco use, especially with respect to e-cigarettes and other new and emerging tobacco/nicotine products.
- (4) \$1,100,000 shall be allocated for data monitoring to track tobacco/nicotine use and exposure among youth and young adults and populations at risk; and for independent evaluation of the reach and effectiveness of the State's tobacco prevention and cessation programs with respect to evidence-based programs designed to help youth addicted to nicotine through e-cigarettes and other new and emerging tobacco and nicotine products quit.

SECTION 43.8. Except as otherwise provided, this act is effective July 1, 2021.
In the General Assembly read three times and ratified this the 18th day of November,
2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 2:05 p.m. this 18th day of November, 2021

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41 .1001

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:

What is the difference between a “public school unit” as defined in (3) and a “local school administrative unit” as referenced in (5)?

In (5), line 14, is the term “local school administrative unit” defined anywhere in another Rule or statute?

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

Brian Liebman
Commission Counsel
Date submitted to agency: April 6, 2022

1 10A NCAC 41C .1001 is adopted with changes under temporary procedures as follows:

2
3 **SECTION .1000 – LEAD AND ASBESTOS INSPECTION, TESTING, ABATEMENT, AND**
4 **REMEDiation IN NORTH CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE**
5 **FACILITIES**
6

7 **10A NCAC 41C .1001 DEFINITIONS**

8 For the purposes of this Section, the following definitions shall apply:

- 9 (1) “Department” means the North Carolina Department of Health and Human Services.
10 (2) “Licensed child care facility” means a child care facility as defined at G.S. 110-86(3).
11 (3) “Public school” means a public school unit as defined at G.S. 115C-5(7a).
12 (4) “Program” means the North Carolina Department of Health and Human Services, Division of
13 Public Health, Environmental Health ~~Section. Section, Health Hazards Control Unit.~~
14 (5) “Responsible individual” means the ~~principal~~ superintendent of a public school operated by a local
15 school administrative unit or the ~~principal’s~~ superintendent’s designee designee(s); the governing
16 body of any charter school or school operated under Article 7A or Article 9C of G.S. 115C or that
17 body’s designee(s); or the operator of a licensed child care facility or the operator’s ~~designee,~~
18 designee(s), as applicable.
19

20 *History Note: Authority S.L. 2021-180, s. 9G.8;*
21 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1002 Funding
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41 .1002

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 (a) and (b), the Rule refers to “licensed child care facilities” but in (c) the Rule uses “licensed child care **centers**”. Is there a substantive difference?*

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

Brian Liebman
Commission Counsel
Date submitted to agency: April 6, 2022

1 10A NCAC 41C .1002 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1002 FUNDING**

4 (a) Public schools and licensed child care facilities in North Carolina shall be eligible to participate in the funding
5 mechanisms established in accordance with S.L. 2021-180, Sec. 9G.8. to fully or partially offset the cost of conducting
6 testing for lead in water and inspections ~~inspection~~ for asbestos and lead-based paint hazards, when ~~the responsible~~
7 ~~individual conducts the~~ a test for lead in water is conducted within 24 months after the effective date of this Rule or
8 an inspection for lead lead-based paint or asbestos is conducted within 18 months after the effective date of this Rule
9 and the test or inspection is conducted in accordance with the rules of this Section.

10 (b) Public schools and licensed child care facilities that are eligible to participate under Paragraph (a) of this Rule shall
11 also be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, Sec. 9G.8. to
12 fully or partially offset the cost of conducting remediation of lead in water and abatement of asbestos and lead-based
13 paint hazards identified under this Section when the following requirements are met:

- 14 (1) lead or asbestos is detected that meets the requirements under the rules of this Section for abatement
15 or remediation;
16 (2) the abatement or remediation, as applicable, is performed in accordance with the rules of this
17 Section; and
18 (3) replacement materials used to abate asbestos hazards do not contain more than 1% asbestos and
19 replacement materials used to abate lead-based paint hazards do not contain lead in excess of 90
20 parts per million.

21 (c) Notwithstanding Paragraphs (a) and (b) of this Rule, licensed child care centers conducting testing and remediation
22 of water outlets used for drinking or food preparation ~~in child care centers~~ pursuant to 15A NCAC 18A .2816 shall be
23 eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, Sec. 9G.8. for testing
24 conducted in accordance with that Rule within ~~18~~24 months after the effective date of this Rule and remediation
25 conducted in accordance with that Rule between 24 months prior to the effective date of this Rule and the date on
26 which funds are no longer available in accordance with S.L. 2021-180, Sec. 9G.8.(d).

27 (d) Notwithstanding Paragraphs (a) and (b) of this Rule, if asbestos or lead-based paint is detected during a capital,
28 renovation, or repair project in a public school or licensed child care facility, the public school or licensed child care
29 facility shall be eligible to participate in the funding mechanisms established in accordance with S.L. 2021-180, Sec.
30 9G.8. as follows:

- 31 (1) to fully or partially offset the cost of conducting an inspection in accordance with Rules .1003(b) or
32 .1004(b) of this Section, as applicable, except that the inspection may be limited to the area in the
33 public school or licensed child care facility where the capital, renovation, or repair project is being
34 conducted; and
35 (2) to fully or partially offset the cost of conducting abatement when lead-based paint or asbestos is
36 detected that meets the requirements under the Rules of this Section for abatement and abatement is
37 conducted in accordance with Rules .1003(e) and .1004(e) of this Section and with the limitation on

1 materials set out in Subparagraph (b)(3) of this Rule, except that the abatement may be limited to
2 the area in the public school or licensed child care facility where the capital, renovation, or repair
3 project is being conducted.

4 (e) Inspections and abatements described in Paragraph (d) of this Rule that are limited to the area in the public school
5 or licensed child care facility where the capital, renovation, or repair project is being conducted shall not satisfy the
6 facility-wide inspection requirements for public schools and licensed child care facilities set out in Rules .1003 and
7 .1004 of this Section.

8 (f) Notwithstanding the foregoing, to be eligible to participate in any funding mechanism under this Rule, responsible
9 individuals shall make all records regarding testing, inspection, abatement, and remediation available to the
10 Department upon request, including, but not limited to, itemized expense reports for activities funded under S.L. 2021-
11 180, Sec. 9G.8, this Section.

12 (g) Nothing in this Rule shall require the Department to provide funding if the Department determines there are not
13 sufficient funds available in accordance with S.L. 2021-180, Sec. 9G.8.(d).

14
15 *History Note: Authority S.L. 2021-180, s. 9G.8;*
16 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1003 Asbestos Inspections and Abatement in North Carolina Public Schools and Licensed Child Care Facilities
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41 .1003

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 (b), the Rule states that a “responsible individual,” who is defined in .1001 as a “superintendent,” shall ensure an inspection is conducted “in their facility.” Does this need to be amended to encompass all facilities a superintendent may be responsible for?

Also in (b), line 23, please consider changing “their” to “his or her”.

In (d), line 31, replace “the” with “a”.

In (f)(1)(A), p.2, line 5, what contact information are you asking for? Same question for any other instance of “contact information” throughout the Rule.

In (f)(3)(B), line 22, and (f)(4)(b), line 30, was “public school unit” omitted intentionally?

Also in (f)(3), I noticed that there was no requirement to state whether the facility was a public school or a licensed child care facility, as there was in (f)(1) and (f)(4). Was this omission intentional?

In (f)(4)(E), line 35, what form should the “results” be submitted in? Do you want a report?

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

Brian Liebman
Commission Counsel
Date submitted to agency: April 6, 2022

1 10A NCAC 41C .1003 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1003 ASBESTOS INSPECTIONS AND ABATEMENT IN NORTH CAROLINA PUBLIC**
4 **SCHOOLS AND LICENSED CHILD CARE FACILITIES**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Abatement" means as defined at G.S. 130A-444(4), and also includes renovation activities that
7 are carried out to repair, maintain, remove, isolate, or encapsulate asbestos containing material.
8 Abatement shall not be considered complete until a final clearance inspection of the public school
9 or licensed child care facility is performed by an air monitor in accordance with 40 C.F.R.
10 763.90(i).
11 (2) "Air monitor" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(3).
12 (3) "Asbestos" means as defined at G.S. 130A-444(2).
13 (4) "Asbestos containing material" means as defined at G.S. 130A-444(3).
14 (5) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards
15 set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40
16 C.F.R. ~~763.88(b)(1)-(6). 763.88(b).~~
17 (6) "Inspection" in a licensed child care facility means an examination of the facility for the presence
18 of asbestos hazards that is conducted by an inspector in accordance with the rules of Section .0600
19 of this Subchapter. "Inspection" in a public school means a reinspection conducted in alignment
20 with G.S. 130A-445, 10A NCAC 41C .0604, and 40 C.F.R.763.85(b).
21 (7) "Inspector" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(7).
22 (8) "Management Planner" means as defined at G.S. 130A-447 and 10A NCAC 41C .0601(a)(9).

23 (b) Each responsible individual shall ensure that an inspection is conducted for asbestos hazards in their facility
24 within 18 months of the effective date of this Rule. Inspections for asbestos hazards shall be performed by an
25 inspector and documented in an inspection survey report in accordance with the rules of Section .0600 of this
26 Subchapter. A management planner shall review the inspection survey report to determine whether an asbestos
27 hazard has been detected and shall document his or her findings in an asbestos management plan in accordance with
28 Rule 10A NCAC 41C .0604.

29 (c) If the management planner determines that an asbestos hazard has been detected, then the responsible individual
30 shall restrict access to the identified asbestos hazard until it is abated in accordance with this Rule.

31 (d) A determination by a management planner that an asbestos hazard is present in the public school or licensed
32 child care facility that is documented in an asbestos management plan in accordance with Paragraph (b) of this Rule
33 shall satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that asbestos is detected that
34 meets the requirements for abatement.

35 (e) Abatement shall be performed by one or more professionals who are accredited in accordance with 10A NCAC
36 41C .0602 and shall be performed in accordance with the rules of Section .0600 of this Subchapter.

(f) The information listed in this Paragraph shall be submitted to the Program by email to
general.hccu@dhhs.nc.gov:

- (1) Within ~~30~~45 calendar days following the date on which an inspection is completed pursuant to this Rule, the management planner shall submit:
 - (A) the name and contact information of the responsible individual;
 - (B) the name, contact information, and accreditation number of the management planner;
 - (C) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;
 - (D) whether the facility for which the responsible individual is submitting the information is a public school or a licensed child care facility;
 - (E) whether the inspection identified the presence of an asbestos hazard;
 - (F) a description of any identified asbestos hazard; and
 - (G) the results of any laboratory testing conducted during the inspection.

- (2) If the public school or licensed child care facility plans to use a previous inspection or documentation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the inspection survey report, reinspection report, or management plan associated with the previous inspection or the documentation within 18 months after the effective date of this Rule in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.

- ~~(2)~~(3) At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible individual shall submit:
 - (A) the name and contact information of the responsible individual;
 - (B) the name and address of the public school or licensed child care facility, as applicable;
 - (C) the names, contact information, and accreditation numbers of the professionals who will conduct the abatement;
 - (D) the dates on which the abatement is scheduled to occur; and
 - (E) a description of the planned abatement.

- ~~(3)~~(4) Within ~~30~~45 calendar days following the date on which an abatement completed pursuant to this Rule, the responsible individual shall submit:
 - (A) the name and contact information of the responsible individual;
 - (B) the name and address, including county, of the public school or licensed child care facility;
 - (C) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;
 - (D) the date on which the abatement was completed; and
 - (E) the results of the final clearance inspection.

(g) In accordance with 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable, licensed child care facilities shall inspect for asbestos hazards in accordance with this Rule to ensure these facilities are safe and free from

1 hazards that may injure children. The failure of a responsible individual in licensed child care facility to inspect for
2 asbestos hazards or to restrict access to or abate identified asbestos hazards in accordance with this Rule shall be
3 considered a violation of 10A NCAC 09 .0601 and 10A NCAC 09 .1719, as applicable.

4 (h) The requirements of Paragraph (b) of this Rule shall be considered met if:

5 (1) the public school or licensed child care facility previously completed an inspection of its buildings
6 that meets the requirements of Section .0600 of this Subchapter, provided that building material
7 that was sampled during a previous inspection and reported as trace asbestos or between 0% and
8 10% asbestos content shall be reinspected in accordance with the process established in
9 Paragraphs (b)-(f) of this Rule; or

10 (2) documentation is produced in accordance with 40 C.F.R. 763.99(a)(7).

11
12 *History Note: Authority S.L. 2021-180, s. 9G.8;*

13 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1004 Lead-Based Paint Inspections and Abatement in North Carolina Public Schools and Licensed Child Care Facilities
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41 .1004

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 (b), the Rule states that a “responsible individual,” who is defined in .1001 as a “superintendent,” shall ensure an inspection is conducted “in their facility.” Does this need to be amended to encompass all facilities a superintendent may be responsible for?

Also in (b), line 22, please consider changing “their” to “his or her”.

In (f)(1)(A), p.2, line 8, what contact information are you asking for? Same question for any other instance of “contact information” throughout the Rule.

In (f)(3)(B), line 25, and (f)(4)(b), line 33, was “public school unit” omitted intentionally?

In (h)(2), line 11, do you need to make further amendments to encompass all facilities a superintendent may be responsible for?

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

Brian Liebman
Commission Counsel
Date submitted to agency: April 6, 2022

1 10A NCAC 41C .1004 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1004 LEAD-BASED PAINT INSPECTIONS AND ABATEMENT IN NORTH**
4 **CAROLINA PUBLIC SCHOOLS AND LICENSED CHILD CARE FACILITIES**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Abatement" means as defined at 40 C.F.R. 745.223, and also includes interim controls as defined
7 at 40 C.F.R. 745.83. Abatement shall not be considered complete until a final clearance inspection
8 of the public school or licensed child care facility is performed by a certified risk assessor in
9 accordance with the standards set forth at 40 C.F.R. 745.85(b).
- 10 (2) "Certified Project Designer" means an individual who meets the requirements for a project
11 designer as set forth in G.S. 130A-453.03 and Rule .0802 ~~.0802~~ of this Subchapter.
- 12 (3) "Certified Supervisor" means ~~and an~~ an individual who meets the requirements for a supervisor as set
13 forth in G.S. 130A-453.03 and Rule .0802 of this Subchapter.
- 14 (4) "Certified Risk Assessor" means an individual who meets the requirements for a risk assessor as
15 set forth in G.S. 130A-453.03 and Rule .1006 of this Section.
- 16 (5) "Inspection" means a risk assessment conducted in accordance with 40 C.F.R. 745.223.
- 17 (6) "Inspection report" means a summary prepared in accordance with Rule .0807(b) of this
18 Subchapter.
- 19 (7) "Lead-based paint hazard" means as defined at G.S. 130A-131.7(6).
- 20 (8) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7).
- 21 (9) "Occupant protection plan" means as defined at Rule .0801(a)(6) of this Subchapter.

22 (b) Each responsible individual shall ensure that an inspection is conducted for lead-based paint hazards in their
23 facility within 18 months of the effective date of this Rule. Inspections for lead-based paint hazards shall be
24 performed by a certified risk assessor and documented in an inspection report. The certified risk assessor shall
25 determine whether a lead-based paint hazard is present in the public school or licensed child care facility based on
26 the inspection, in accordance with the rules of Sections .0800 and .0900 of this Subchapter, and document the
27 determination in the inspection report. If the certified risk assessor determines that a lead-based paint hazard exists,
28 then an occupant protection plan shall be written by a certified supervisor or certified project designer in accordance
29 with 40 C.F.R. 745.227(e)(5) and the rules of Section .0800 of this Subchapter.

30 (c) If the certified risk assessor determines that a lead-based paint hazard has been detected, then the responsible
31 individual shall restrict access to the identified lead-based paint hazard until abated in accordance with this Rule.

32 (d) A determination by a certified risk assessor that a lead-based paint hazard is present in the public school or
33 licensed child care facility that is documented in the inspection report in accordance with Paragraph (b) of this Rule
34 shall satisfy the requirement of Rule .1002(b)(1) or (d)(2) of this Section, as applicable, that lead is detected that
35 meets the requirements for abatement.

(e) Abatement shall be performed by one or more professionals who are certified in accordance with G.S. 130A-453.03 and Rules .0802 or .0902 of this Subchapter and shall be performed in accordance with the rules of Sections .0800 and .0900 of this Subchapter, as applicable.

(f) The information listed in this Paragraph shall be submitted to the Program by email to general.hccu@dhhs.nc.gov:

(1) Within ~~30~~45 calendar days following the date on which an inspection is completed pursuant to the Rule, the certified risk assessor shall submit:

(A) the name and contact information of the responsible individual;

(B) the name, contact information, and certification number of the certified risk assessor;

(C) the name and address, including county, of the individual school and the public school unit or the licensed child care facility;

(D) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;

(E) whether the inspection identified the presence of a lead-based paint hazard;

(F) a description of any identified lead-based paint hazard; and

(G) the results of any laboratory testing conducted during the inspection.

~~(2)~~ If the public school or licensed child care facility plans to use a previous inspection or a signed attestation under Paragraph (h) of this Rule, then the responsible individual shall submit a copy of the inspection report or occupant protection plan associated with the previous inspection or the signed attestation within 18 months from the effective date of this Rule in lieu of meeting the requirements in Subparagraph (f)(1) of this Rule.

~~(2)(3)~~ At least 10 calendar days before abatement conducted pursuant to this Rule begins, the responsible individual shall submit:

(A) the name and contact information of the responsible individual;

(B) the name and address of the public school or licensed child care facility, as applicable;

(C) the names, contact information, and certification numbers of the professionals who will conduct the abatement;

(D) the dates on which the abatement is scheduled to occur; and

(E) a description of the planned abatement.

~~(3)(4)~~ Within ~~30~~45 calendar days following the date on which abatement is completed pursuant to this Rule, the responsible individual shall submit:

(A) the name and contact information of the responsible individual;

(B) the name and address, including county, of the public school or licensed child care facility;

(C) whether the facility for which the responsible individual is submitting the report is a public school or a licensed child care facility;

(D) the date on which the abatement was completed; and

1 (E) the results of the final clearance inspection.

2 (g) In accordance with 15A NCAC 18A .2816(a), 10A NCAC 09 .0601(f), and 10A NCAC 09 .1707(2), as
3 applicable, licensed child care facilities shall inspect for lead-based paint hazards in accordance with this Rule to
4 ensure these facilities are free from lead poisoning hazards. The failure of a responsible individual in licensed child
5 care facility to inspect for lead-based paint hazards or to restrict access to or abate identified lead-based paint
6 hazards in accordance with this Rule shall be considered a violation of 15A NCAC 18A .2816(a), 10A NCAC 09
7 .0601(f), or 10A NCAC 09 .1707(2), as applicable.

8 (h) The requirements of Paragraph (b) of this Rule shall be considered met if:

9 (1) the public school or licensed child care facility has previously completed an inspection of its
10 buildings that meets the requirements of Sections .0800 and .0900 of this Subchapter; or

11 (2) the responsible individual of a public school or licensed child care facility located in a building
12 that was built after February 28, 1978 signs a statement attesting that no lead-based paint was used
13 in the building.

14
15 *History Note: Authority S.L. 2021-180, s. 9G.8;*
16 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1005 Lead Poisoning Hazards in Drinking Water in North Carolina Public Schools
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41 .1005

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:

Throughout (b), is it your intent for the superintendent (the “responsible individual”) to collect all water samples his or herself?

In (b)(3), lines 24-25, will your regulated public know where to find a laboratory certified by the State Laboratory of Public Health?

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

Brian Liebman
Commission Counsel
Date submitted to agency: April 6, 2022

1 10A NCAC 41C .1005 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1005 LEAD POISONING HAZARDS IN DRINKING WATER IN NORTH CAROLINA**
4 **PUBLIC SCHOOLS**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7)(g).
7 (2) "Testing" means the process described in Subparagraphs (b)(1)-(4) of this Rule.
8 (3) "Remediation" means as defined at G.S. 130A-131.7(15).

9 (b) The following actions shall be taken to ensure that drinking water in public schools are free of identified lead
10 poisoning hazards:

- 11 (1) Responsible individuals at public schools shall complete a one-time test of all water outlets used for
12 drinking or food preparation. The responsible individual shall provide documentation of testing
13 results for review by the Department during routine sanitation inspections under Rule 15A NCAC
14 18A .2402(a).
15 (2) Initial water samples shall be collected by the responsible individual and tested in accordance with
16 Subparagraph (b)(3) of this Rule within ~~24~~18 months after the effective date of this Rule.
17 (3) The responsible individual shall collect samples and submit them for testing in accordance with
18 guidance specified by the United States Environmental Protection Agency in its publication, 3Ts
19 for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is hereby
20 incorporated by reference, including any subsequent editions or amendments, and available free of
21 charge at: [https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water)
22 [water. https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-](https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities)
23 [facilities](https://www.epa.gov/dwreginfo/3ts-reducing-lead-drinking-water-schools-and-child-care-facilities). Notwithstanding the foregoing guidance, samples may be collected with a stagnation
24 period of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina
25 State Laboratory of Public Health to analyze for lead in drinking water.
26 (4) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory
27 shall notify the Department of the test results by electronic submission in alignment with the
28 requirements of G.S. 130A-131.8.
29 (5) When a public school receives test results from a laboratory indicating that a water sample collected
30 by the responsible individual contains a lead concentration at or above the lead poisoning hazard
31 level, the responsible individual shall:
32 (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead
33 concentrations at or above the lead poisoning hazard level; ~~and~~
34 (B) ensure that all students and staff have access to water free of cost that does not contain lead
35 concentrations at or above the lead poisoning hazard level for drinking and food
36 ~~preparation.~~ preparation; and

- (C) continue to follow Subparagraphs (b)(5)(A)-(B) of this Rule until the Department determines in accordance with Paragraph (b)(10) of this Rule that the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the responsible individual and the Department of Public Instruction in writing of this determination.
- ~~(6)~~ ~~When notified of a water lead level at or above the lead poisoning hazard level, the Department shall conduct sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level within 20 business days of notification.~~
- ~~(7)~~(6) If a water sample collected by the Department responsible individual reveals a water lead level at or above the lead poisoning hazard level, ~~level then~~
- (A) the requirement of Rule .1002(b)(1) of this Section shall be considered ~~met~~; met.
- (B) ~~notice shall be given in accordance with Rule 15A NCAC 18A .2402(e); and~~
- (C) ~~the responsible individual shall continue to follow Subparagraph (b)(5) of this Rule until the Department determines the water outlet(s) are not producing water lead levels at or above the lead poisoning hazard level and notifies the responsible individual, the local superintendent, and the Department of Public Instruction in writing of this determination.~~
- ~~(8)~~(7) Within five business days of receiving the test results of a the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the responsible individual shall provide written notification of the test results to the parents or legal guardians of the children attending the public school and the staff of the public school in accordance with the United States Environmental Protection Agency guidance specified in Subparagraph (b)(3) of this Rule.
- ~~(9)~~(8) Within five business days of receiving the test results of a the Department's water analysis that shows a water lead level at or above the lead poisoning hazard level, the public school shall make the test results available to the public, free of charge. The responsible individual may post test results to the public school's website to satisfy the requirement to make the test results available to the public.
- ~~(10)~~(9) Remediation of water outlet(s) producing water lead levels at or above the lead poisoning hazard level shall ensure that water produced is below the lead poisoning hazard level and may include replacement of service lines, pipes, and fixtures and the installation of filters at affected faucets. Within 30 business days from the date on which remediation is conducted under this Rule, the responsible individual shall submit the following information to the Program:
- (A) the name and contact information of the responsible individual;
- (B) the name and address, including county, of the public school;
- (C) the steps taken to remediate the lead poisoning hazard; and
- (D) the date on which the remediation was completed.
- (10) Remediation shall not be considered complete until the Department conducts sampling at the water outlet identified to have a water lead level at or above the lead poisoning hazard level to confirm

1 that the remediated water outlet is no longer producing water lead levels at or above the lead
2 poisoning hazard level.
3
4 *History Note:* *Authority S.L. 2021-180, s. 9G.8;*
5 *Temporary Adoption Eff. ____.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1006 Certified Risk Assessors
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2021-180, the “Current Operations Appropriations Act of 2021,” occurred on November 18, 2021, with Section 9G.8.(a) made retroactively effective on July 1, 2021. This provision appropriated \$150M in federal funds to establish programs for the detection, remediation, and abatement of lead and asbestos in public school units and licensed child care facilities. It also granted rulemaking authority to the Commission for Public Health to adopt rules as necessary to implement requirements for these programs. It is necessary to establish these requirements quickly under temporary rulemaking due to the short timeframe to spend appropriated funds. Federal funding for these programs is currently required to be obligated by the end of 2024 and expended by the end of 2026. In order to fully expend this funding, it is critical that the detection phase get underway quickly, so that hazards may be timely identified for remediation and abatement within the term of the funding. Once the temporary rules are in effect, CPH expects to pursue permanent rulemaking.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1006 is adopted with changes under temporary procedures as follows:

2
3 **10A NCAC 41C .1006 CERTIFIED RISK ASSESSORS**

4 (a) For the purposes of this Section, a certified risk assessor is defined as an individual who meets the requirements
5 of Rule .0802 of this Subchapter, except that the individual shall be required to complete an accredited refresher course
6 for risk assessors every 36 months from the date of completion of initial training or last training instead of every 24
7 months as set forth in 10A NCAC 41C .0802(b).

8 (b) A certified risk assessor who is certified under Paragraph (a) of this Rule shall be considered a certified risk
9 assessor solely for the purposes of conducting inspections and determinations about the existence of lead-based paint
10 hazards in public schools and licensed child care facilities under Rule .1004 of this Section.

11
12 *History Note:* G.S. 130A-453.03; 130A-453.05; S.L. 2021-180, s. 9G.8;

13 *Temporary Adoption Eff.* ____.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Commission for Public Health
2. Rule citation & name: 10A NCAC 41C .1007 Incorporation by Reference
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: 02/02/2022 b. Proposed Temporary Rule published on the OAH website: 02/09/2022 c. Public Hearing date: 02/25/22 at 10:00 am d. Comment Period: 02/02/2022-03/04/2022 e. Notice pursuant to G.S. 150B-21.1(a3)(2): 02/02/2022 f. Adoption by agency on: 03/29/2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <div style="margin-left: 20px;"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-180, s. 9G.8.(a) Effective date: Occurred on November 18, 2021 and made effective on July 1, 2021 <input checked="" type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: Occurred on November 18, 2021 <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: </div> <p>Explain: Session Law 2021-180, Sec. 9G.8.(a) directs the Commission for Public Health (CPH) to adopt rules as necessary to implement requirements for the testing and remediation of lead in drinking water in public school units and the inspection for and abatement of asbestos and lead-based paint hazards in public school units and licensed child care facilities. CPH adopted these rules to establish these requirements.</p>

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No**9. Rule-making Coordinator:** Virginia Niehaus**Phone:** (919) 634-0184**E-Mail:** virginia.niehaus@dhhs.nc.gov**Agency contact, if any:** Kirsten Leloudis**Phone:** (919) 607-0813**E-Mail:** kirsten.leloudis@dhhs.nc.gov**10. Signature of Agency Head*:**

DocuSigned by:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Dr. Ron May**Title:** Chair, Commission for Public Health**E-Mail:** rmay@carolinaeasthealth.com**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 10A NCAC 41C .1007 is adopted under temporary procedures as follows:

2
3 **10A NCAC 41C. 1007 INCORPORATION BY REFERENCE**

4 For the purposes of this Section, 40 C.F.R. 763, Subpart E and 40 C.F.R. 745, Subparts L and E are hereby incorporated
5 by reference, including any subsequent amendments or editions, and available free of charge at www.ecfr.gov/.

6
7 *History Note:* Authority S.L. 2021-180, s. 9G.8;

8 *Temporary Adoption Eff.* ____.