

NORTH CAROLINA MINING COMMISSION
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Tom Freeman
Chairman

Samuel Bratton
Vice-Chairman

July 8, 2026

North Carolina Rules Review Commission
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, North Carolina 27609

Via Email to rrc.comments@oah.nc.gov

Re: Request from Mining Commission for an exemption from the periodic review of existing rules pursuant to N.C. Gen. Stat. § 150B-21.3A and 26 NCAC 05 .0209

Dear Chair Parker and Commission Members:

On behalf of the North Carolina Mining Commission, please accept this letter requesting that the Mining Commission be exempt from the current Periodic Review of Existing Rules pursuant to N.C. Gen. Stat. § 150B-21.3A for the rules of the Mining Commission at 15A NCAC 05A, 05B, 05F, and 05G (“Mining Program Rules”).

Pursuant to N.C. Gen. Stat. § 150B-21.3A(d)(1) and 26 NCAC 05 .0209, the Rules Review Commission “may exempt rules that have been adopted or amended within the previous 10 years” from the decennial review requirements of the North Carolina Administrative Procedure Act. For the 2014 Periodic Review cycle, the Mining Commission’s designation report was due in December 2023, and reviewed by the Rules Review Commission at its December 2023 meeting. The public comment period for the Mining Program Rules ran from October 15 through December 15, 2025, and were approved for readoption at the Mining Commission’s May 12, 2026 meeting. The Rules Review Commission is currently set to review the Mining Commission’s Readopted rules from the 2014 cycle at its July 2026 meeting.

The delay in completing the Periodic Review for the 2014 decennial review cycle was a consequence of the 2014 reconstitution of the former Mining and Energy Commission into the Mining Commission and the Oil and Gas Commission. When the former Mining and Energy Commission was divided into the two successor commissions, the rules were also split between the two commissions. Initially, the Rules Review Commission required that the Mining Program Rules go through the designation reports process by January 2017. However, the Mining Commission did not begin meeting until June 2022, at which point the Mining Program Rules in Chapter 5 were returned to the Rules Review Commission’s review schedule as described above.

Because the Mining Commission did not complete the 2014 cycle of the Periodic Review of Rules until 2026, the Mining Commission respectfully requests that the Rules Review Commission remove Subchapters 05A, 05B, 05F, and 05G, in their entirety, from the current 2024 Periodic Review Schedule. As discussed above, because the Mining Commission is in the process of completing rule readoption under the prior Periodic Review Schedule, the Mining Program Rules fall within the timeline contemplated by the periodic review statute and rule. Additionally, concurrent with this request and pursuant to the requirements set forth in 26 NCAC 05 .0209(d), the Mining Commission is posting notice of this request on its website and is notifying its interested persons mailing list maintained pursuant to N.C. Gen. Stat. § 150B-21.2(d).

The Mining Commission appreciates the opportunity to continue working with the Rules Review Commission to ensure necessary rules are reviewed in a timely manner.

Sincerely,

s/ Thomas Freeman

Thomas Freeman
Mining Commission Chair

cc: Travis Wiggs, Rules Review Commission Counsel, *electronically*
Seth Ascher, Rules Review Commission Counsel, *electronically*
Christopher S. Miller, Rules Review Commission Counsel, *electronically*
Victor Unnone III, Mining Commission Counsel, *electronically*
Toby Vinson, DEMLR Director, *electronically*
Jennifer Everett, EMC Rulemaking Coordinator, *electronically*
Alex Burgos, Paralegal, Office of Administrative Hearings, *electronically*