

Burgos, Alexander N

Subject: FW: DNCR September Periodic Review Reports
Attachments: DNCR Rules Subject to Visitor Conduct Rulemaking Exemption (NCGS 150B-1(d)(27a))
Final Clean 2026.01.12.xlsx; RE: 07 NCAC 14 and 15 - Your report(s) for the Periodic Review and Expiration of Existing Rules schedule

From: Avery, Jonathan <jonathan.avery@dn-cr.nc.gov>
Sent: Thursday, September 17, 2026 4:22 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Sutton, Jessica V <jess.sutton@dn-cr.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: DNCR September Periodic Review Reports

Hey Seth,
See the attached list approved by the Codifier of the rules that I'm the rules coordinator for that are subject to exemption and the email where he states his approval, which includes the 13F rules. I agreed in a later email that DNCR would accept that the 4 rules that Brian had questions about fell outside the exemption.
Thanks,
Jonathan

Jonathan Avery (he/him)
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North Carolina Department of
Natural & Cultural Resources

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CITATION	TITLE
07 NCAC 02H .0109	RESTRICTION AND SUSPENSION OF PRIVILEGES
07 NCAC 02H .0305	CIRCULATION
07 NCAC 03B .0102	ADMISSION
07 NCAC 03B .0103	CONDUCT IN THE MUSEUM
07 NCAC 03B .0104	PHOTOGRAPHY
07 NCAC 03B .0106	SCHOOL GROUPS
07 NCAC 04M .0104	ARCHIVES STACKS
07 NCAC 04M .0105	PUBLIC RESEARCH FACILITIES
07 NCAC 04M .0512	RESTRICTED AREAS IN STATE RECORDS FACILITIES
07 NCAC 04N .0102	ACTIVITIES PROHIBITED ON STATE HISTORIC SITES PROPERTY
07 NCAC 04N .0103	AUTHORITY OF SITE PERSONNEL
07 NCAC 04N .0104	PERMIT REQUIRED FOR SPECIAL SITE ACTIVITIES AND EVENTS
07 NCAC 04Q .0104	TOURS
07 NCAC 04Q .0105	USE OF FACILITIES
07 NCAC 04Q .0106	RESTRICTIONS AND CONDITIONS
07 NCAC 04R .1503	VISITATION POLICY
07 NCAC 04S .0104	VISITATION RULES
07 NCAC 04S .0105	USE OF THE AUDITORIUM
07 NCAC 05 .0205	SITE RULES
07 NCAC 05 .0208	TOUR ROUTES
07 NCAC 05 .0209	DISABLED VISITORS
07 NCAC 13B .0201	NATURAL AND CULTURAL RESOURCE PROTECTION
07 NCAC 13B .0203	METAL DETECTORS PROHIBITED
07 NCAC 13B .0204	ROCK CLIMBING
07 NCAC 13B .0301	BATHING AND SWIMMING ACTIVITIES: WHERE PROHIBITED
07 NCAC 13B .0302	PUBLIC NUDITY
07 NCAC 13B .0303	PROTECTION OF SWIMMING AREAS
07 NCAC 13B .0401	DISPOSAL OF REFUSE: GARBAGE: ETC
07 NCAC 13B .0402	POLLUTION OF WATERS
07 NCAC 13B .0501	VEHICLES: WHERE PROHIBITED
07 NCAC 13B .0502	PARKING
07 NCAC 13B .0503	OBSTRUCTING TRAFFIC
07 NCAC 13B .0507	BICYCLES
07 NCAC 13B .0601	BOATING
07 NCAC 13B .0701	SPORTS AND GAMES: WHEN PERMITTED

07 NCAC 13B .0702	HORSES
07 NCAC 13B .0801	HUNTING
07 NCAC 13B .0802	FISHING
07 NCAC 13B .0901	FIREARMS: WEAPONS: EXPLOSIVES
07 NCAC 13B .0903	FIRES: LIGHTED CIGARETTES: ETC
07 NCAC 13B .0905	SMOKING
07 NCAC 13B .1001	NOISE REGULATION
07 NCAC 13B .1003	ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES
07 NCAC 13B .1004	ANIMALS AT LARGE
07 NCAC 13B .1101	COMMERCIAL ENTERPRISES
07 NCAC 13B .1102	COMMERCIAL PHOTOGRAPHY, FILMING AND RECORDING
07 NCAC 13B .1104	ADVERTISING
07 NCAC 13B .1106	ALMS AND CONTRIBUTIONS
07 NCAC 13B .1201	CLOSING AND OPENING HOURS; RESTRICTED AREA
07 NCAC 13B .1202	MINORS
07 NCAC 13B .1204	AVIATION
07 NCAC 13C .0201	COMMERCIAL ENTERPRISES AND ACTIVITIES
07 NCAC 13C .0202	SCIENTIFIC OR EDUCATIONAL RESEARCH AND NONCOMMERCIAL ACTIVITIES
07 NCAC 13C .0406	WATER LEVEL; DISCHARGE
07 NCAC 13C .0407	MOORING BUOYS
07 NCAC 13F .0303	MANAGEMENT OF NATURAL RIVER AREAS
07 NCAC 13F .0304	MANAGEMENT OF SCENIC RIVER AREAS
07 NCAC 14B .0101	ANIMALS: FLOWERS: PLANTS: MINERALS
07 NCAC 14B .0102	BUILDINGS: SIGNS: AND STRUCTURES
07 NCAC 14B .0202	POLLUTION OF WATERS
07 NCAC 14B .0302	PARKING
07 NCAC 14B .0304	SPEED LIMIT
07 NCAC 14B .0401	FIREARMS
07 NCAC 14B .0402	EXPLOSIVES
07 NCAC 14B .0403	SMOKING AND FIRES
07 NCAC 14B .0501	DISORDERLY CONDUCT PROHIBITED
07 NCAC 14B .0503	INTOXICATING LIQUORS: CONTROLLED SUBSTANCE OR BEVERAGES
07 NCAC 14B .0504	ANIMALS AT LARGE
07 NCAC 14B .0505	SPORTS AND GAMES
07 NCAC 14B .0601	COMMERCIAL ENTERPRISES
07 NCAC 14B .0604	ADVERTISING
07 NCAC 14B .0605	USE OF FACILITIES AND GROUND
07 NCAC 14B .0606	ALMS AND CONTRIBUTIONS
07 NCAC 14B .0608	ROCK CLIMBING

07 NCAC 14B .0609	TRAIL ACCESS AND ACTIVITIES
07 NCAC 14B .0701	CLOSING AND OPENING HOURS
07 NCAC 15 .0105	PERMISSION FOR USE
07 NCAC 15 .0203	SCHEDULING ACTIVITIES FOR NON-REGULAR HOURS
07 NCAC 15 .0301	UNAUTHORIZED ENTRY
07 NCAC 15 .0401	WEAPONS
07 NCAC 15 .0402	EXPLOSIVES
07 NCAC 15 .0403	FIRES
07 NCAC 15 .0404	SMOKING
07 NCAC 15 .0501	DISORDERLY CONDUCT
07 NCAC 15 .0502	SALES OF ALCOHOL OR CONTROLLED SUBSTANCES
07 NCAC 15 .0504	PRIVATELY-OWNED ANIMALS
07 NCAC 15 .0505	LOUD RADIOS
07 NCAC 15 .0506	PROPER DRESS
07 NCAC 15 .0507	COASTER CONVEYANCES
07 NCAC 15 .0701	FLOWERS: PLANTS: ANIMALS: ETC.
07 NCAC 15 .0702	BUILDINGS: SIGNS: ETC.
07 NCAC 15 .0703	PARKING
07 NCAC 15 .0704	FOOD AND BEVERAGES PROHIBITED INSIDE

Burgos, Alexander N

From: Liebman, Brian R
Sent: Tuesday, January 6, 2026 5:34 PM
To: Avery, Jonathan; Burgos, Alexander N
Cc: Julie B. Eddins
Subject: RE: 07 NCAC 14 and 15 - Your report(s) for the Periodic Review and Expiration of Existing Rules schedule

Hi Jonathan,

I think the vast majority of the rules in your list are fine for the exemption. I have a few questions about some of them.

04N .0108 – it appears to me this governs permit requirements, rather than conduct. I’m not sure the exemption applies here.

04S .0110 – no issue with the application of the exemption to Tryon Palace Historic Sites and Gardens, but the rule refers to 07 NCAC 04N .0101-.0108, which isn’t entirely exempt.

13B .0602 – I think a good deal of the rule should be exempt, but Paragraph (c) refers to a fee, which I don’t think falls under the exemption.

13H .0206 – the body of the rule itself indicates that the property governed here is owned or managed by an entity other than the Department. Since the exemption covers only properties “owned or managed by the Department” I think there’s an issue here.

Let me know your thoughts on these 4, and if there’s anything else you’d like me to know.

Other than that, I think the rest of the rules on this list fall under the exemption, and we can remove them from pending and future reports.

Brian

Brian Liebman
Codifier of Rules
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brian.liebman@oah.nc.gov

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From: Avery, Jonathan <jonathan.avery@dn-cr.nc.gov>
Sent: Tuesday, January 6, 2026 3:33 PM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: RE: 07 NCAC 14 and 15 - Your report(s) for the Periodic Review and Expiration of Existing Rules schedule

Hi Alex,

I looked through the reports and they are correct, other than many of the rules are included in the list that Brian is currently reviewing for exemption from rulemaking. Should we leave those rules in the report? At least until he makes a determination?

Thanks,
Jonathan

Jonathan Avery
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From: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Sent: Friday, January 2, 2026 6:33 AM
To: Avery, Jonathan <jonathan.avery@dncr.nc.gov>
Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>; Julie B. Eddins <julie.eddins@oah.nc.gov>
Subject: 07 NCAC 14 and 15 - Your report(s) for the Periodic Review and Expiration of Existing Rules schedule
Importance: High

Good morning Jonathan,

Please acknowledge receipt of this email!

Attached are your agency's reports for 07 NCAC 14 and 15 for the periodic review of existing rules. These reports are scheduled for review by the RRC at the **January 2027** meeting. The filing deadline for the final determinations is **December 20, 2026**.

Please email alexander.burgos@oah.nc.gov within 10 business days of any errors in the report(s) after reviewing the following:

1. Verify that we have the correct Rulemaking Agency listed on row 2 of the report(s)
2. Ensure no rules are missing from the report and that the date and last agency action are correct.

Please remember that the following steps must be taken to file the report with the initial determinations:

1. The rulemaking body, the Board, Commission, or agency head, must make initial determinations
2. G.S. 150B-21.3A(c)(1) requires the agency to file the report on its and OAH websites for 60 days and accept public comments.
3. File the Excel report with initial determinations and the accompanying [form](#) to alexander.burgos@oah.nc.gov

If you have any questions, please let me know.

Alexander Burgos
Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940

Alexander.burgos@oah.nc.gov

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Burgos, Alexander N

Subject: FW: DNCR September Periodic Review Reports
Attachments: DNCR Rules Subject to Visitor Conduct Rulemaking Exemption (NCGS 150B-1(d)(27a))
Final Clean 2026.01.12.xlsx; RE: 07 NCAC 14 and 15 - Your report(s) for the Periodic
Review and Expiration of Existing Rules schedule

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, September 17, 2026 2:56 PM
To: Avery, Jonathan <jonathan.avery@dncr.nc.gov>; Sutton, Jessica V <jess.sutton@dncr.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: DNCR September Periodic Review Reports

Jonathan,

It is my understanding that you corresponded with the codifier about the remaining rules in 13F being exempt from review. Would you mind forwarding me the email where he said that? I would like to include it in the communications in case any commissioners have questions.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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Burgos, Alexander N

Subject: FW: Final Classification Report - 07 NCAC 13A-D, F, G, I, and K
Attachments: Form 0800B - 07 NCAC 13B Parks Rules.pdf; Form 0800B - 07 NCAC 13I Parks Rules.pdf; Form 0800B - 07 NCAC 13G Parks Rules.pdf; Form 0800B - 07 NCAC 13A Parks Rules.pdf; Form 0800B - 07 NCAC 13C Parks Rules.pdf; Form 0800B - 07 NCAC 13D Parks Rules.pdf; 07 NCAC 13C (Final Classifications 2026.04.01).xlsx; 07 NCAC 13B (Final Classifications 2026.04.01).xlsx; 07 NCAC 13A (Final Classification 2026.04.01).xlsx; 07 NCAC 13D (Final Classifications 2026.04.01).xlsx; 07 NCAC 13G (Final Classifications 2025.04.01).xlsx; 07 NCAC 13I (Final Classifications 2026.04.01).xlsx; Form 0800B - 07 NCAC 13K PARTF Rules.pdf; 07 NCAC 13K (Final Classifications 2026.03.27).xlsx

From: Avery, Jonathan <jonathan.avery@dncr.nc.gov>
Sent: Wednesday, April 1, 2026 12:04 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Final Classification Report - 07 NCAC 13A-D, F, G, I, and K

Hi,
Attached are Form 800B and the rules reports with final classifications for 07 NCAC 13A-D, G and I (Parks Rules) and 07 NCAC 13K (PARTF rules). No comments were received during the comment period, so the classifications remain unchanged from the initial filing. All rules that were approved by the Codifier as exempt from rulemaking under NCGS 150B-1(d)(27a) have been removed from the final classification reports for the submitted subchapters. Also, a classification report for 07 NCAC 13F is not being submitted because all rules in that subchapter have either been repealed or are subject to exemption from rulemaking under NCGS 150B-1(d)(27a) as visitor conduct rules, per the Codifier's determination. Please let me know if you need anything else.

Best,
Jonathan

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Burgos, Alexander N

From: Ascher, Seth M
Sent: Wednesday, September 16, 2026 2:01 PM
To: Avery, Jonathan; Sutton, Jessica V
Cc: Burgos, Alexander N
Subject: DNCR September Periodic Review Reports
Attachments: 07 NCAC 13A (Final Classification 2026.04.01).xlsx; 07 NCAC 13B (Final Classifications 2026.04.01).xlsx; 07 NCAC 13C (Final Classifications 2026.04.01).xlsx; 07 NCAC 13D (Final Classifications 2026.04.01).xlsx; 07 NCAC 13G (Final Classifications 2025.04.01).xlsx; 07 NCAC 13I (Final Classifications 2026.04.01).xlsx; 07 NCAC 13K (Final Classifications 2026.03.27).xlsx

Good afternoon,

I am the attorney who reviewed your agency's periodic review reports. The RRC will formally review this report at its meeting on Tuesday, September 29, 2026, at 10:00 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 close to the meeting, or you are welcome to attend in person. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

I have attached the reports I plan to recommend that the Commission adopt. Let me know if you have any questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
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