Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting-Request for Technical Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, November 5, 2026 11:21 AM
To: tbrendle@cape-fear.net
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: November RRC Meeting-Request for Technical Changes

Good morning, Mr. Brendle. Please see my responses to your changes below.

1. In the future, I recommend leaving the Notice of Text (Form 0300) on your website until the applicable rules are reviewed by the RRC. In the alternative, you should keep time-stamped copies of the rulemaking notice that was required to be posted on your Commission's website. pursuant to G.S. 150B-19.1(c) and 150B-21.2(c)(1).
2. I understand your readoption deadline is June 1, 2028, but you were given permission to readopt your rules early. If these rules are approved by the RRC, they can be made effective the first day of the month after which they are approved. Do you want these rules to potentially be effective prior to June 1, 2028? If so, add the desired date to the History Note for each rule.
3. I still don't see where an Introductory Statement was added to any of the rules. Please add one to all rules.
4. You should leave "pilot" in lowercase when referring generically but capitalize when referring to the three classes of licensed pilots.
5. Each required field on all "forms" should be in the rule or general statute. Please review and comply with RRC guidance found here: https://www.oah.nc.gov/rrc-final-guidance-forms/open. The RRC prefers direct links, if feasible and practical.

Please reply with all rules in the template and the requested changes on or before November 12, 2026.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting-Request for Technical Changes

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From: tbrendle@cape-fear.net <tbrendle@cape-fear.net>
Sent: Monday, November 2, 2026 3:13 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Re: [External] RE: November RRC Meeting-Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mr Wiggs,

Very sorry for the requests for advice. Lol, I thought that was part of your roll in this process.

Appreciate the clarification and the contact for services to State Agencies.

Tommy

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, November 2, 2026 11:52 AM
To: tbrendle@cape-fear.net
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: November RRC Meeting-Request for Technical Changes

Mr. Brendle,

You may know that I'm not authorized to provide your agency legal advice. If you haven't already, I recommend contacting the N.C. Department of Justice, Services to State Agencies Section (919-716-6800). Someone from that Section may be able to assist you.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, November 2, 2026 11:52 AM
To: tbrendle@cape-fear.net
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: November RRC Meeting-Request for Technical Changes

Mr. Brendle,

You may know that I'm not authorized to provide your agency legal advice. If you haven't already, I recommend contacting the N.C. Department of Justice, Services to State Agencies Section (919-716-6800). Someone from that Section may be able to assist you.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: November RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, November 2, 2026 9:52 AM
To: tbrendle@cape-fear.net
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] RE: November RRC Meeting-Request for Technical Changes

Good morning Mr. Brendle,

Thank you for the email. All the rules your agency has submitted for RRC review must be in the template and proper format. These rules will not be reviewed any further until they're put in the required template. Mr. Ascher informed you of this requirement via email on October 19th.

Please send me your agency's rules in the template so this review process can proceed.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: tbrendle@cape-fear.net <tbrendle@cape-fear.net>
Sent: Monday, November 2, 2026 9:37 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: November RRC Meeting-Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning Mr. Wiggs,

I'm a little embarrassed to say, neither myself nor my secretary have the necessary WORD skills or legal document expertise required to do much of what you have requested concerning these word docx. Although we have more deficiencies, the Macros function seems to be a primary problem. We've unsuccessfully attempted multiple methods to enable Macros.

Your Inquiries:
1) www.cfpilot.com belongs to the Pilot's Association that the Commission regulates. The Commission does not have a website. This cfpilot.com website was used for rules review process 2015 and now again for 2025. For 2025 using this website for posting was approved, at least by Julie Eddins. The excel REPORT with "DETERMINATIONS" was posted here on April 16th, 2025 for 60 days. Then from July 15 thru Sept 14, 2026 the "NOTICE OF TEXT" form 300 was posted. This form 300 NOTICE OF TEXT ran simultaneously on/in the NC Public

Register. Both of these postings were removed from the cfpilot.com website following their posting expirations. No comments were received from either posting. The forms that were used for the postings are attached.

2) NCGS 76A-1 "Navigation and pilotage commission established" gives the authority to the commission/agency to regulate pilots by forming admin code "rules" to do so. The "2025 Rules Review process" is the only reason for this particular rules re-write.

3) To my knowledge, there is no "mailing list" or "comment/commentor list", nor am I familiar with such list(s). So far, through this 2025 rules review process, there have been the two, 60 day public postings and three public commission meetings with this 2025 rules review process on every agenda, with zero public comment from postings or meetings.

4) "Desired effective date" ..... Not sure if this is the date that you are referring, but Mr. Seth Ascher recommended a readoption deadline of June 1, 2028, at the May 28, 2026, RRC meeting

5) See attached Draft-Edit 04 NCAC 15.0118 DEFINITIONS
Note - The word "pilot" is used many times throughout these rules. Our understanding is that it is capitalized only when referring to a Fully Licensed Pilot. Many of the rules use uncapitalized "pilot" when simultaneously referring to all three classes of state licensed pilots: 1) Fully Licensed 2) Limited Licensed and 3) Apprentice Pilots Certificate. See NCGS 76A-6 Classes of Licenses

6) See attached Draft-Edit 04 NCAC 15.0119 NUMBER OF PILOTS
Line 2 "or fraction thereof". This is necessary because this formula for determining the necessary number of pilots often will yield a number containing a fraction. Since pilots only come in "whole" or "None", the fraction counts as a whole. Example: formula yields 7.1 pilots = 8 pilots.

7) See attached Draft-Edit of 04 NCAC 15.0120 ANNUAL RENEWAL OF LICENSE
Line 4 The agency's authority for the bond requirement is: NCGS 76A-5 DUTIES and AUTHORITY (e) pilots to give bond.
Line 5 This direct link to the physical form CG-719K is so long we hesitate to add it to this rule.https://www.dco.uscg.mil/Portals/9/NMC/pdfs/forms/CG_719K_MAR2025_with_REQUIREMENTS.pdf?ver=9HYNLZKiVGsY3TLDpcqhlg%3D%3D&timestamp=1742927508973 . However, there is a shorter link that requires a couple more "on-line" steps to reach the form. https://www.dco.uscg.mil/nmc/medical_certificate/ . Which to use? Moreover, Since the Coast Guard has changed the physical examination form several times in the past 25 years and often changed the website link to that form, we hesitate to further "fine" detail it's location. A simple google search should suffice. Thoughts??

8) See attached Draft-Edit of 04 NCAC 15.0121 APPRENTICESHIP
Line 14 "Rules of the Road" are the Coast Guard's Navigational Rules that are derived from the International Regulations for Preventing Collisions at Sea and codified in U.S. law under TITLE 33 of the Code of Federal Regulations. If an event occurs that bring the "rules of the road" into question for the Commission, the Commission will defer it's ruling completely to the findings and/or rulings of the Coast Guard.

9) See attached Draft-Edit of 04 NCAC 15.0122 DISCIPLINARY ACTIONS AGAINST PILOTS

10) See attached Draft-Edit of 04 NCAC 15.0123 INCIDENTS OR ACCIDENTS INVOLVING PILOTS
Line 2 A vessel in "the" charge of a pilot refers to a ship or watercraft that is actively under the navigation, guidance, or conduct of a licensed marine or river/harbor pilot.
Line 2 If cell phone communications are not possible, we also have VHF radio communications via our Association's pilot dispatch center and the local Coast Guard station where the Commission Chairman can be notified.

11) See attached Draft-Edit of 04 NCAC 15.0125

12) See attached Draft-Edit of 04 NCAC 15.0126

13) See attached Draft-Edit of 04 NCAC 15.0127
Line 2. A rate revision is only considered by the Commission if requested by the Association.
Lines 5-7. Yes, the Association notifies all 3.

14) See attached Draft-Edit of 04 NCAC 15.0128

V/R

Tommy Brendle
Wilmington - Cape Fear River Pilot
Rules Review Coordinator
910-520-8505

G.S. 150B-21.3A Report for 04 NCAC 15, Commission of Navigation and Pilotage for the Cape Fear River and Bar

Agency - Department of Commerce

Comment Period - April 21, 2025 - June 20, 2025

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation
	SECTION .0100 - NAVIGATION AND PILOTAGE FOR THE CAPE FEAR RIVER AND BAR	04 NCAC 15 .0118	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015	Necessary	No	
		04 NCAC 15 .0119	NUMBER OF PILOTS	Readopted Eff. December 1, 2018	Necessary	No	
		04 NCAC 15 .0120	ANNUAL RENEWAL OF LICENSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015	Necessary	No	
		04 NCAC 15 .0121	APPRENTICESHIP	Readopted Eff. December 1, 2018	Necessary	No	
		04 NCAC 15 .0122	DISCIPLINARY ACTIONS AGAINST PILOTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015	Necessary	No	
		04 NCAC 15 .0123	INCIDENTS OR ACCIDENTS INVOLVING PILOTS	Readopted Eff. December 1, 2018	Necessary	No	
		04 NCAC 15 .0125	PILOT ARRANGEMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015	Necessary	No	
		04 NCAC 15 .0126	WHEN TUGBOAT ASSISTANCE REQUIRED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015	Necessary	No	
		04 NCAC 15 .0127	PILOTAGE RATES	Readopted Eff. December 1, 2018	Necessary	No	
		04 NCAC 15 .0128	FEES	Readopted Eff. December 1, 2018	Necessary	No	

TITLE 04 – DEPARTMENT OF COMMERCE

***Notice** is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Commission of Navigation and Pilotage for the Cape Fear River and Bar intends to readopt without substantive changes the rules cited as 04 NCAC 15 .0118-.0123, and .0125-.0128.*

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for readoption without substantive changes are not required to be published. The text of the rules is available on the OAH website: http://reports.oah.state.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): *https://www.cfpilot.com/*

Proposed Effective Date: *June 1, 2028*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Any member of the public can demand a public hearing by contacting Rule making Coordinator Thomas Brendle at tbrendle@cape-fear-net or 910-520-8505. A public hearing will be scheduled with the rule making agency, which is the Cape Fear River Navigation and Pilotage Commission.*

Reason for Proposed Action: *Navigation and Pilotage Commission established*

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_76A/GS_76A-1.pdf

Duties and authority

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_76A/GS_76A-5.pdf

Comments may be submitted to: *Thomas Brendle, Wilmington- Cape Fear Pilots Association. PO Box 10070, Southport, NC 28461; email tbrendle@cape-fear.net*

Comment period ends: *September 14, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina 27609 or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ **State funds affected**
- ☐ **Local funds affected**
- ☐ **Substantial economic impact (>= $1,000,000 over 5 years)**
- ☐ **Approved by OSBM**
- ☒ **No fiscal note required**

CHAPTER 15 - COMMISSION OF NAVIGATION AND PILOTAGE FOR THE CAPE FEAR RIVER AND BAR

04 NCAC 15 .0118	**DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
04 NCAC 15 .0119	**NUMBER OF PILOTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
04 NCAC 15 .0120	**ANNUAL RENEWAL OF LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
04 NCAC 15 .0121	**APPRENTICESHIP (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
04 NCAC 15 .0122	**DISCIPLINARY ACTIONS AGAINST PILOTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
04 NCAC 15 .0123	**INCIDENTS OR ACCIDENTS INVOLVING PILOTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
04 NCAC 15 .0125	**PILOT ARRANGEMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

04 NCAC 15 .0126	WHEN TUGBOAT ASSISTANCE REQUIRED (READOPTION WITHOUT SUBSTANTIVE CHANGES)
04 NCAC 15 .0127	PILOTAGE RATES (READOPTION WITHOUT SUBSTANTIVE CHANGES)
04 NCAC 15 .0128	FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

04 NCAC 15 .0118 DEFINITIONS

For purposes of this Chapter, the following definitions apply:

(1) The ~~term~~ ~~"association"~~ "Association" shall mean the Wilmington Cape Fear Pilots Association.

(2) The ~~term~~ "Coast Guard" shall mean the United States Coast Guard.

(3) The ~~term~~ ~~"commission"~~ "Commission" shall mean the Cape Fear Navigation and Pilotage Commission.

(4) The ~~term~~ ~~"pilot"~~ "Pilot" shall mean a Full Licensed Pilot as established by G.S. 76A-6(2).

(5) The ~~term~~ ~~"river and bar"~~ "River and Bar" shall mean the Cape Fear River and Bar to the extent of navigation aids in the federal River and Bar project which are maintained by the Coast Guard and the United States Army Corps of Engineers.

(6) The ~~term~~ "Sunny Point" shall mean the Military Ocean Terminal at Sunny Point.

History Note: Authority G.S. 76A-1; 76A-5; 76A-6; 76A-13;
Eff. December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

04 NCAC 15 .0119 NUMBER OF PILOTS (a) The ~~commission~~ Commission shall license a number of ~~pilots~~ Pilots not to exceed one ~~pilot~~ Pilot per 98 piloted vessel arrivals annually or fraction thereof, subject to G.S. 76A-14. Annual piloted vessel arrivals shall be calculated by averaging the number of piloted arrivals during the five immediately-preceding calendar years. (b) The apprentice system established in Rule .0121 of this Chapter shall be used to fill vacancies in the pilotage service except in emergencies, such as the incapacity of one or more licensed ~~pilots~~ Pilots due to accident, sickness, or death. In such emergency, the Commission may issue one or more limited-licenses for such term as is necessary to alleviate the emergency, based upon the number of licensed ~~pilots~~ Pilots whose capacity is unimpaired, the number of piloted vessel arrivals and departures, and any recommendation of a majority vote of the ~~association~~ Association. The ~~association's~~ Association’s recommendation shall be based on the qualifications of the candidate seeking a limited license, including the candidate's experience, agility, knowledge of the local waters, U.S. Coast Guard certifications, and other skills required to perform the duties of a limited-licensed pilot. History Note: Authority G.S. 76A-1; 76A-5; 76A-13; 76A-14; Eff. December 1, 1985; Amended Eff. August 1, 2000; Readopted Eff. December 1, 2018.

04 NCAC 15 .0120 ANNUAL RENEWAL OF LICENSE Each ~~pilot~~ Pilot who desires to renew ~~his~~ their license shall ~~present~~ submit a ~~written~~ hard copy license application renewal package ~~for renewal~~ to the ~~commission~~ Commission at its regular meeting immediately preceding May 1 of each year. ~~That~~ The application package shall include: 1) an application form, 2) a bond form in the amount of five hundred dollars ($500) from two freehold sureties. The application and bond forms shall be obtained from the Association office at 111 West Bay Street, Southport, NC 28461. The package shall also include: 3) the results of a physical examination conducted within 60 days prior to the date of the application form. ~~and a bond in the amount of five hundred dollars ($500.00) from two freehold sureties.~~ The results of the physical examination shall be reported on the form CG-719K required by the Coast Guard for the issuance of an original federal pilot's license. Form CG-719K can be found at: https://www.dco.uscg.mil/nmc/medical_certificate/. If the application renewal package is ~~satisfactory~~ complete and the Medical Practitioner authorizes the applicant as fit for duty, the ~~commission~~ Commission shall issue a license effective May 1 of the calendar year it was issued. History Note: Authority G.S. 76A-1; 76A-5; Eff. December 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

04 NCAC 15 .0121 APPRENTICESHIP (a) In order to be considered for an appointment as an apprentice pilot, an applicant shall: (1) provide evidence of graduation from a maritime college or regionally-accredited four-year college or university or hold a valid, Coast Guard issued Third Mate's Unlimited Ocean license; (2) not have been convicted of a felony; (3) provide evidence of 20/20 visual acuity uncorrected or corrected by lens; (4) provide evidence of being able to distinguish colors by means of the Stilling's Color Table Test or other equivalent test accepted by the Coast Guard; (5) provide three personal references of choice; (6) provide evidence of passing a complete physical examination in the form required by the Coast Guard for the issuance of an original federal pilot's license; and (7) be a citizen and resident of North Carolina. (b) If determined by a majority vote of the ~~association~~ Association that the applicant has demonstrated the knowledge and skill necessary to obtain an ~~apprentice pilot's certificate~~ Apprentice Pilot's Certificate and if approved by a majority vote of the ~~commission~~ Commission, the applicant shall be issued an ~~apprentice pilot's certificate~~ Apprentice Pilot's Certificate. He or she shall be known as an apprentice pilot during apprenticeship. No member of the ~~association~~ Association who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting by the ~~association~~ Association in recommending whether to approve the application for an ~~apprentice pilot's certificate~~ Apprentice Pilot's Certificate. (c) Under the direct supervision of a pilot, an apprentice pilot shall become proficient in all matters appertaining to the duties of a pilot, including: (1) the rules of the road as defined by the ~~USCG~~ Coast Guard; (2) the use of compass and navigational aids; (3) the set of various currents; (4) boarding of vessels in heavy weather; (5) the bearing of noted objects using precise horizontal directions or angles measured from the observers position to specific, identifiable landmarks; (6) the number, shapes, and colors of buoys; and (7) the use of radar and ranges. (d) An apprentice pilot shall make such boarding and trips and perform such duties as directed by a pilot in order to master the waters by gaining complete skill, control, and expert navigation of the ~~river~~ River and ~~bar~~ Bar,~~and~~ as well as to master the handling of the various vessels that will be under the command of a pilot as they travel inbound from the ocean to the port of call and outbound from the port of call to the ocean. (e) A limited license may be issued to an apprentice pilot by the ~~commission~~ Commission upon a determination by a majority of the ~~association~~ Association that the applicant has demonstrated the knowledge and skill necessary to obtain a limited license and after consideration of the factors set forth in Paragraph (c) of this Rule. Prior to advancing from one limited license to the next, a majority of the ~~association~~ Association shall have signed the limited license, certifying progressive development of the knowledge and skill necessary for a limited license. The ~~commission~~ Commission may issue the next limited license upon a determination by a majority of the ~~association~~ Association that the applicant has demonstrated the knowledge and skill necessary to obtain that limited license and after consideration of the factors set forth in Paragraph (c) of this Rule. No member of the association who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting by the ~~association~~Association in recommending whether to issue a limited license to the applicant. (f) An apprenticeship may be terminated ~~at~~ any time there is a finding by the ~~commission~~ Commission that progress is not being made as set forth in Paragraphs (c) through (e) or any of the requirements set forth in Paragraph (a) have been violated. A majority vote of the ~~association~~ Association shall be required ~~in ordered~~ to present these proposed findings to the ~~commission~~ Commission and recommend termination of an apprenticeship. No member of the ~~association~~ Association who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting by the ~~association~~ Association in recommending whether to terminate the applicant's apprenticeship. (g) In order to be considered for an appointment as a ~~pilot~~ Pilot : (1) an applicant shall have satisfied all statutory requirements for a full license; (2) an applicant shall hold a pilot's license issued by the Coast Guard; (3) an applicant shall not have been convicted of a felony; (4) an applicant shall be recommended by a majority of the ~~association~~ Association and have been approved by a majority of the ~~commission~~ Commission; (5) there shall be a vacancy in the number of pilots established pursuant to Rule .0119 of this Chapter; and (6) no member of the ~~association~~ Association or ~~commission~~ Commission who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting when considering whether to appoint an applicant as a fully licensed ~~pilot~~ Pilot. (h) Upon the successful completion of the apprentice pilot training program and the requirements for a fully licensed ~~pilot~~ Pilot, an apprentice pilot shall then be placed on the apprentice pilots waiting list in the order in which they complete all such requirements. When a vacancy occurs in the number of fully licensed ~~pilots~~ Pilots, the apprentice next in line shall be appointed to that vacancy. If he or she declines, his or her name shall be stricken from the waiting list. During this interim between the expiration of the limited license and the occurrence of a vacancy, the apprentice shall be required to make an average of two boardings per month under the supervision of a fully licensed ~~pilot~~ Pilot. History Note: Authority G.S. 76A-1; 76A-5; 76A-6; 76A-12; 76A-13; Eff. December 1, 1985; Amended Eff. August 1, 2000; Readopted Eff. December 1, 2018.

04 NCAC 15 .0122 DISCIPLINARY ACTIONS AGAINST PILOTS No pilot shall: (1) be ~~intoxicated~~ noticeably impaired or under the influence of any drug or alcohol while on two hour readiness - call out duty; or (2) be convicted of a felony; or (3) be ~~permanently~~ incapacitated, physically or mentally, from the performance of ~~his~~ their duties as a pilot; or (4) refuse ~~his~~ their duties. History Note: Authority G.S. 76A-1; 76A-5; 76A-13; 76A-15; Eff. December 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

04 NCAC 15 .0123 INCIDENTS OR ACCIDENTS INVOLVING PILOTS (a) Following any marine incident or accident involving a vessel in the charge of a pilot, the pilot in charge of the vessel shall give an oral report to the ~~commission chairman~~ Commission Chairman or other member if the ~~chairman~~ Chairman is not available. Within 120 hours of the pilot reaching his or her destination (the port inbound - sea buoy outbound), the pilot shall submit to the ~~commission~~ Commission a written narrative report. Sketches and diagrams may be used to explain the situation if the pilot feels their use would be helpful, including aerial photos of the waters and area used by the ship while under pilotage, nautical maps, sounding charts, or any other visual aid to explain or describe the marine incident or accident. (b) The ~~commission~~ Commission shall investigate such occurrence in accordance with G.S. 76A-5(d). History Note: Authority G.S. 76A-1; 76A-5; Eff. December 1, 1985; Readopted Eff. December 1, 2018.

04 NCAC 15 .0125 PILOT ARRANGEMENTS (a) A pilot assigned to a vessel sailing from Sunny Point shall arrive at the Main Gate located at 6280 Sunny Point Road SE, Southport, NC 28461 in ~~adequate~~ time to be on board the vessel ~~in time~~ to make preparations for its departure. (b) It shall be the responsibility of the Sunny Point Security Command Office at ~~Sunny Point~~ contact number 910-457-8910 to provide ~~adequate and prompt~~ transportation to and from the Main Gate and the vessel's gangwayor to provide a permit, from the same Security Command Office if required, ~~to allow the pilot~~ allowing ~~him~~ the pilot to provide ~~his~~ their own transportation to and from the Main Gate and the vessel's gangway. (c) The ~~commission~~ Commission shall cooperate with the Security Command Office at Sunny Point to ensure the pilots of ~~prompt~~ access to Sunny Point, and to ensure the safe and timely movement of all vessels entering or leaving Sunny Point. History Note: Authority G.S. 76A-1; 76A-5; Eff. December 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

04 NCAC 15 .0126 WHEN TUGBOAT ASSISTANCE REQUIRED Every vessel over ~~sixty~~ 60 gross tons shall have the assistance of a tug (or tugs) while transiting the Cape Fear Memorial Bridge and any other bridge north of that ~~bridge~~ Bridge. "Approaching" a bridge ~~is defined as~~ means being that point in the ~~river~~ River at which it becomes ~~reasonably~~ necessary for the tug (or tugs) to be alongside the vessel ~~in order to have the vessel~~ and it under control prior to transiting the bridge. ~~Additionally, prior~~ Prior to the time at which the tug (or tugs) begins to exert an influence on the vessel, the pilot aboard the vessel shall relinquish control of the vessel to the docking master whom will also be controlling the tug (or tugs) as defined by NCGS 76A-16. This transfer of ~~authority~~ control shall occur at a point in the ~~river~~ River agreed upon by the pilot and docking master. ~~However, if~~ If the docking master refuses to accept control of the vessel for any reason, it shall be the duty of the pilot to retain control of the vessel. History Note: Authority G.S. 76A-1; 76A-5; Eff. December 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

04 NCAC 15 .0127 PILOTAGE RATES (a) Requests for rate revisions shall be submitted in writing to the ~~secretary~~ Secretary of the ~~commission~~ Commission before February 1 of the year in which the rate revision is requested. (b) Proposed rate revisions shall be considered by the ~~commission~~ Commission at the first regular meeting after March 1 of the year in which the rate revision is requested. (c) The public shall be notified of any rate revision and its effective date by the following methods: (1) publication in at least two Wilmington area newspapers; (2) posting at the State Ports Authority Building of the N.C. State Ports Authority at Wilmington; and (3) written notification to the N.C. Shipping Association. (d) Rate revisions shall be effective July 1 of the year in which the rate is revised by the commission. History Note: Authority G.S. 76A-1; 76A-17; Eff. December 1, 1985; Readopted Eff. December 1, 2018.

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Wednesday, October 28, 2026 3:21 PM
To: tbrendle@cape-fear.net
Cc: Burgos, Alexander N
Subject: November RRC Meeting-Request for Technical Changes
Attachments: 11_2026-Cape Fear River Navigation and Pilotage Comm-Request for Technical Changes.docx

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Cape Fear River Navigation and Pilotage Commission for the November 2026 RRC meeting. The RRC will formally review this rule at its meeting on Tuesday, November 24, 2026, at 10:00 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 close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on November 12, 2026.

Please reply to confirm receipt and let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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