

## Burgos, Alexander N

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**Subject:** FW: 07 NCAC 11 - Periodic Review Schedule

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**From:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>  
**Sent:** Wednesday, November 15, 2023 10:22 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: 07 NCAC 11 - Periodic Review Schedule

Hi Brian,

Sorry for the delay. Between the holiday on Friday and being off for my birthday on Monday, I've been a little behind.

DNCR is fine with adding 07 NCAC 11 to January 2027. As an FYI, the rules will likely be marked unnecessary or repealed, so it should be a fairly quick process for these rules, whichever way we go.

Thanks,  
Jonathan

**Jonathan Avery**  
**Assistant General Counsel**  
**N.C. Department of Natural and Cultural Resources**  
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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Monday, November 13, 2023 12:04 PM  
**To:** Avery, Jonathan <[jonathan.avery@dncr.nc.gov](mailto:jonathan.avery@dncr.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 07 NCAC 11 - Periodic Review Schedule

Hi Jonathan,

It appears that the rules for the former Roanoke Island Commission, at 07 NCAC 11, need to be added to the 2024-2034 Periodic Review Schedule. By my reading, the Roanoke Island Commission itself was exempt from rulemaking, but when the GA abolished the Commission and transferred its authority to DNCR in 2017, that exemption did not transfer. See SL 2017-57, s. 14.8.

I am going to ask the Commission to add 07 NCAC 11 to the schedule at the meeting this week. I was thinking about just putting them on for June 2027, which is the last date available and which gives you the most time, unless you'd rather deal with them at an earlier date. Looks like you've got two other subchapters on the schedule for January 2027—would it be easier to add this one there?

Please let me know.

Thanks!

Brian

Brian Liebman

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