

Burgos, Alexander N

Subject: FW: January 2025 RRC Meeting-Request for Changes
Attachments: Form 0400 Submission for Permanent Rule 15A NCAC 10F .0332.pdf; Map 15A NCAC 10F .0332 - Lake Hickory ext..pdf; Map 15A NCAC 10F .0332 - Wittenburg Access Area.pdf; Form 0400 Submission for Permanent Rule 15A NCAC 10F .0333.pdf; Map 15A NCAC 10F .0333 - Lake Wylie.pdf; Form 0400 Submission for Permanent Rule 15A NCAC 10F .0330.pdf; 15A NCAC 10F .0330.docx; Form 0400 Submission for Permanent Rule - 15A NCAC 10F .0305.pdf; 1_2025_Wildlife Resources Commission-Request for Technical Changes 10F.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Thursday, January 9, 2025 1:49 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Haywood, Betsy <betsy.haywood@ncwildlife.org>
Subject: RE: January 2025 RRC Meeting-Request for Changes

Travis,

Corrected forms, rule text and maps are attached. There is no map for 10F .0305 as these are technical amendments only. Please let me know if you have any additional questions.



Carrie Ruhlman // Policy Manager
Office of Conservation Policy & Analysis
Office: 919-707-0011 / Mobile: 919-606-2241

Information and Instructions for Making Technical Changes

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request technical changes from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit three hard copies of the rewritten rule and one copy via email. The electronic copy must be saved as the official rule name (XX NCAC XXXX) and sent to oah.rules@oah.nc.gov.
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "aAssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;_and"
 - Right: "~~day~~, day; and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of technical changes after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR TECHNICAL CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0305

DEADLINE FOR RECEIPT: January 21, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on the WRC website no later than September 3, 2024? **Yes. Corrected form submitted.***

*In (c)(1)-(2), who will "maintain" the markers that will be placed by the Board of Aldermen and Board of Commissioners listed in (a)(1) through (11)? **The WRC. Per G.S. 75A-10F , the Commission is empowered to adopt rules addressing placement and maintenance of navigation aids and markers. If the Commission doesn't specify this information in rule, responsibility for one or both of those falls to the agency.***

*There is a commissioner on the Rules Review Commission who frequently asks about maps when reviewing rules involving geographical areas. Is your agency able to provide a map when a rule involves specific geographical areas? A map of the area may help us determine if a proposed rule complies with 150B-21.9(2). **Yes.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
Rules Review Commission Counsel
Submitted to Agency: January 6, 2025

REQUEST FOR TECHNICAL CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0330

DEADLINE FOR RECEIPT: January 21, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on the WRC website no later than September 3, 2024? **Yes. Corrected form submitted.***

*At lines 27 and 31, what are "appropriate" markers? **The word "appropriate" is unnecessary and has been deleted.***

*In (c)(1)-(5), who will "maintain" the markers that will be placed by the Board of Commissioners and NC State Ports Authority listed in (a)(1) through (15)? **The WRC. Per G.S. 75A-10F, the Commission is empowered to adopt rules addressing placement and maintenance of navigation aids and markers. If the Commission doesn't specify this information in rule, responsibility for one or both of those falls to the agency.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609

Travis C. Wiggs
Rules Review Commission Counsel
Submitted to Agency: January 6, 2025

REQUEST FOR TECHNICAL CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0332

DEADLINE FOR RECEIPT: January 21, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on the WRC website no later than September 3, 2024? **Yes. Corrected form submitted.***

*In (c)(1)-(5), who will "maintain" the markers that will be placed by the Board of Commissioners listed in (a)(1)(A)-(B) and (a)(2)(A)-(B)? **The WRC. Per G.S. 75A-10F , the Commission is empowered to adopt rules addressing placement and maintenance of navigation aids and markers. If the Commission doesn't specify this information in rule, responsibility for one or both of those falls to the agency.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609

Travis C. Wiggs
Rules Review Commission Counsel
Submitted to Agency: January 6, 2025

REQUEST FOR TECHNICAL CHANGES

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0333

DEADLINE FOR RECEIPT: January 21, 2025

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 call our office to inquire concerning the staff recommendation.

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

*On the "Submission for Permanent Rule" form submitted for each of these rules, the second box under "6." has not been checked. Did your agency post the requirements listed in G.S. 150B-19.1(c)(1)-(5) on the WRC website no later than September 3, 2024?
Yes. Corrected form submitted.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609

Travis C. Wiggs
Rules Review Commission Counsel
Submitted to Agency: January 6, 2025

1 15A NCAC 10F .0330 is amended with changes as published in 39:05 NCAC p. 218 as follows:

2
3 **15A NCAC 10F .0330 CARTERET COUNTY**

4 (a) Regulated Areas. This Rule ~~shall apply~~ applies to the following waters in Carteret County:

- 5 (1) the waters of Money Island Slough in Atlantic Beach, beginning at the east end of Money Island
6 near the Anchorage Marina Basin at a point at 34.70187 N, 76.72938 W and ending at the west end
7 of Money Island where Brooks Avenue dead ends at a point at 34.70235 N, 76.73271 W;
- 8 (2) the waters of Taylor Creek in Beaufort, shore to shore from its intersection with the Newport River
9 at the western end, to a line at the eastern end between a point on the north shore at 34.70762 N,
10 76.61784 W, south-southwest to the eastern tip of Carrot Island;
- 11 (3) the waters of Peletier Creek in Morehead City, beginning at the entrance to Peletier Creek at the
12 Intracoastal Waterway at a point at 34.72543 N, 76.78044 W and ending at U.S. Highway 70;
- 13 (4) the waters of Bogue Sound Harbor Channel in Morehead City, between Sugarloaf Island and the
14 seawall on the south side of Evans, Shepard, and Shackelford Streets, from the east at the State Ports
15 Authority, west to a point at 34.71848 N, 76.72015 W at the southern end of South 13th Street;
- 16 (5) the waters of Gallants Channel in Beaufort, from the U.S. 70 Grayden Paul Bridge at a point at
17 34.72248 N, 76.66936 W, south to Taylor Creek at a point at 34.71775 N, 76.66950 W;
- 18 (6) the waters of Cedar Island Bay and Harbor in the Town of Cedar Island, from N.C. Highway 12 to
19 Cedar Island Bay Channel Light 8;
- 20 (7) the waters of the small cove on the west side of Radio Island in Beaufort south of Old Causeway
21 Road;
- 22 (8) the waters of the Newport River in Beaufort, from a point north of the U.S. 70 Grayden Paul Bridge
23 at 34.72265 N, 76.66930 W, north northwest to marker # 6;
- 24 (9) the waters of Spooner Creek in Morehead City, north of a point where it enters the Intracoastal
25 Waterway at 34.72570 N, 76.80294 W;
- 26 (10) the waters of the Newport River at Bogue Sound in Morehead City, including all waters surrounding
27 the Port of Morehead City to Goat Island as delineated by appropriate markers;
- 28 (11) the waters of Newport River, known as Morgan Creek in Beaufort, west northwest of a point at the
29 mouth at 34.71611 N, 76.67814 W;
- 30 (12) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel in Newport, beginning at
31 its intersection with Bogue Sound at 34.70163 N, 76.98157 W, as delineated by appropriate markers;
- 32 (13) the waters of ~~the~~ Newport River within 200 yards of the Newport River Beach Access Boat Ramp,
33 301 U.S. Highway 70 East, Morehead City, beginning at the shore north of the U.S. Highway 70
34 Newport River Bridge at a point at 34.72141 N, 76.68707 W, west to a point at 34.72128 N,
35 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore at 34.72371 N,
36 76.68631 W;

- 1 (14) the waters of Palmetto Drive ~~canal, a tributary to~~ Canal on the White Oak River in the Town of
2 Cedar Point, beginning at a point on the western shore at 34.67903 N, 77.10142 W to a point on the
3 eastern shore at 34.67899 N, 77.10098 W and extending the entire length of the canal; ~~and~~
4 (15) the portion of the canal at Dolphin Bay ~~Estates, a tributary to~~ Estates on the White Oak River in the
5 Town of Cedar Point, beginning 30 yards inside the entrance to the canal and extending the entire
6 length of the ~~canal~~; canal;
- 7 (16) the waters within approximately 50 yards of the Gordon S. Myers Boating Access Area at Cedar
8 Point Boating Access Area, but not extending into the Intracoastal Waterway channel setback, at
9 144 Cedar Point Boulevard, Cedar Point;
- 10 (17) the waters of the navigation channel from a point in Bogue Sound at 34.67392 N, 77.00725 W to
11 the Emerald Isle Boating Access Area, a distance of 345 yards, at 6800 Emerald Drive, Emerald
12 Isle;
- 13 (18) the waters within 50 yards of the Newport Boating Access Area on Newport River, at 333 E.
14 Chatham Street, Newport;
- 15 (19) the waters within 50 yards of the Morehead City Boating Access Area on the Intracoastal Waterway,
16 3407 Arendall Street, Morehead City;
- 17 (20) the waters within 50 yards of the West Beaufort Boating Access Area on Newport River, 298 West
18 Beaufort Road, Beaufort;
- 19 (21) the waters within 50 yards of the Taylors Creek Boating Access Area on Taylors Creek, 2370
20 Lennoxville Road, Beaufort;
- 21 (22) the waters within 50 yards of the Straits Landing Boating Access Area on North River, 1648 Harkers
22 Island Road, Straits;
- 23 (23) the waters within 50 yards of the Oyster Creek Boating Access Area on Oyster Creek, 1300 U.S.
24 Highway 70, Davis;
- 25 (24) the waters within 50 yards of the Salters Creek Boating Access Area on Salters Creek, 200 Wildlife
26 Ramp Road, Sealevel; and
- 27 (25) the waters within 50 yards of the Cedar Island Boating Access Area on Pamlico Sound, 115
28 Driftwood Drive, Cedar Island.

29 (b) Speed Limit. No person shall operate a vessel at a speed greater than no-wake speed while on the waters of the
30 regulated areas designated in Paragraph (a) of this Rule.

31 (c) Placement of Markers. The following agencies shall ~~be the designated agencies for placement of~~ place the markers
32 implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps
33 of Engineers:

- 34 (1) the Board of Commissioners of Carteret County, for the regulated areas designated in ~~Subparagraph~~
35 Parts (a)(1), (3), (5) through (8), (11), and (12) of this Rule;
- 36 (2) the Board of Commissioners of the Town of Beaufort, for the regulated area designated in
37 ~~Subparagraph~~ Part (a)(2) of this Rule;

- 1 (3) the Board of Commissioners of Morehead City, for the regulated areas designated in ~~Subparagraphs~~
2 Parts (a)(4), (9), and (13) of this Rule;
- 3 (4) the North Carolina State Ports Authority, for the regulated area designated in ~~Subparagraph Part~~
4 (a)(10) of this Rule; ~~and~~
- 5 (5) the Board of Commissioners of the Town of Cedar Point for the regulated areas designated in
6 ~~Subparagraphs~~ Parts (a)(14) and (15) of this Rule. ~~Rule; and~~
- 7 (6) the North Carolina Wildlife Resources Commission shall place and maintain markers for the areas
8 designated in Parts (a)(16) through (25) of this Rule.
- 9

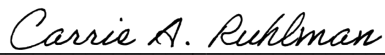
10 *History Note: Authority G.S. 75A-3; 75A-15;*
11 *Eff. March 4, 1979;*
12 *Amended Eff. October 1, 1997; May 1, 1995; June 1, 1994; February 1, 1994; July 1, 1993;*
13 *Temporary Amendment Eff. February 1, 1998;*
14 *Amended Eff. July 1, 1998;*
15 *Temporary Amendment Eff. March 1, 1999; November 1, 1998;*
16 *Amended Eff. May 1, 2016; July 1, 2012; September 1, 2010; July 1, 2000;*
17 *Temporary Amendment Eff. September 1, 2016;*
18 *Amended Eff. April 1, 2017;*
19 *Readopted Eff. October 1, 2018.*
20 *Amended Eff. February 1, 2025.*

21

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10F .0305 Brunswick County	
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 type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/03/24 Link to Agency notice: https://www.ncwildlife.org/Proposed-Regulations Hearing on: 10/23/24 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 12/05/24 <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: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Technical amendments to the Rule correct coordinates at the Odell Williamson Bridge in the Town of Ocean Isle Beach, and remove duplicate text that describes the Dutchman Creek Boating Access Area in Southport, as it is listed already as the Oak Island Boating Access Area.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Betsy Haywood Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;"><i>Carrie A. Ruhlman</i></div> <hr/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *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: 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 Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10F .0330 Carteret County	
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 type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/03/24 Link to Agency notice: https://www.ncwildlife.org/Proposed-Regulations Hearing on: 10/23/24 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 12/05/24 <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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9B. Explain: Technical amendments to the Rule codify descriptions and addresses of ten boating access areas in Carteret County that are owned or maintained by the NC Wildlife Resources Commission.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Betsy Haywood Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-bottom: 10px;">  <hr style="width: 80%; margin: auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. <i>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</i> Typed Name: Carrie Ruhlman 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:	

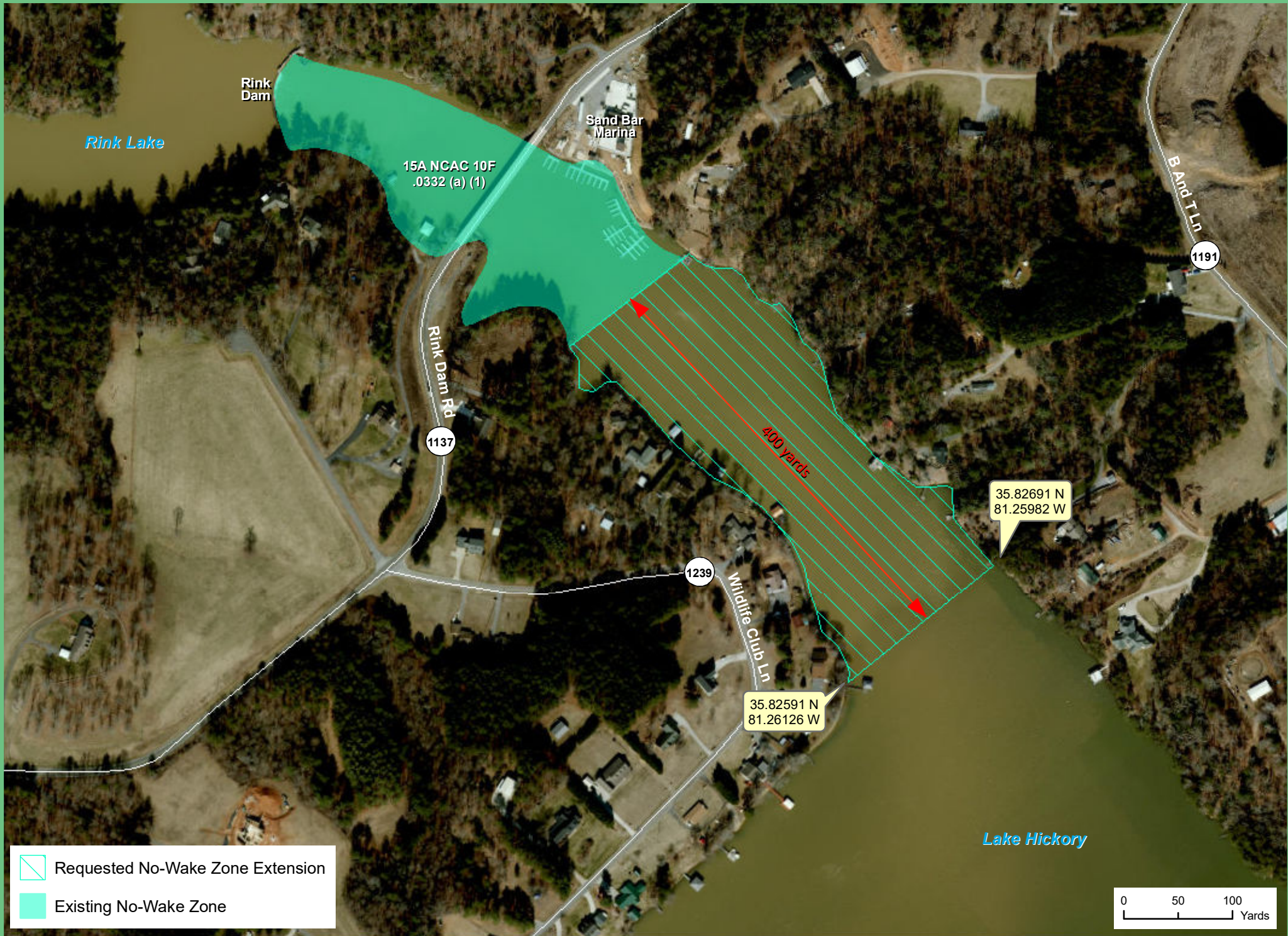
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10F .0332 Alexander County	
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 type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/03/24 Link to Agency notice: https://www.ncwildlife.org/Proposed-Regulations Hearing on: 10/23/24 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 12/05/24 <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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9B. Explain: The proposed amendments establish a restricted area at the Wittenburg Access Area on Lake Hickory where vessel entry is prohibited, extend the no-wake zone from the Rink Dam, and update the names and addresses of marinas and boating access areas on Lake Hickory. Additional revisions correctly name some facilities in the Rule and assign placement and maintenance of markers to Alexander County, the Wildlife Resources Commission, or Duke Energy LLC.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Betsy Haywood Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-bottom: 10px;"><i>Carrie A. Ruhlman</i></div> <hr style="width: 80%; margin: auto;"/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *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: 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 Wildlife Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 10F .0333 Mecklenburg and Gaston Counties	
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 type="checkbox"/> No
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9B. Explain: The rule amendments will correct the coordinates of the no wake zone at the Buster Boyd Bridge in Mecklenburg Co., establish a no-wake zone within 50 yards of Joyner's Marina and waters of the surrounding cove, and remove incorrect text pertaining to the marking of some public facilities and marked swim and mooring areas by the Lake Wylie Marine Commission.	
10. Rulemaking Coordinator: Carrie Ruhlman Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org Additional agency contact, if any: Betsy Haywood Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;"><i>Carrie A. Ruhlman</i></div> <hr/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *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: 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:	

15A NCAC 10F .0332 - Requested No-Wake Zone Extension by Alexander County
Lake Hickory, Alexander County



15A NCAC 10F .0332 - Requested No-Wake Zone by Duke Energy
Lake Hickory, Alexander County



15A NCAC 10F .0333 - Requested No-Wake Zone
Joyner's Marina, Lake Wylie, Mecklenburg County



Burgos, Alexander N

Subject: FW: January 2025 RRC Meeting-Request for Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, January 7, 2025 11:59 AM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: January 2025 RRC Meeting-Request for Changes

Carrie,

I intend to recommend to the RRC that the final revised rules be approved at the January 30th meeting. Please submit the revised rules via email to oah.rules@oah.nc.gov no later than 5pm on January 17, 2025. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

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: January 2025 RRC Meeting-Request for Changes
Attachments: 15A NCAC 10D .0252 - Tech.docx; Form_0400_for_Permanent_Rule_15A NCAC 10D .0252.pdf; 1_2025_Wildlife Resources Commission Request for Technical Changes.docx; 15A NCAC 10G .0501 - Tech.docx; Form_0400_for_Permanent_Rule_15A NCAC 10G .0501.pdf; 15A NCAC 10J .0103 - Tech.docx; 15A NCAC 10J .0104 - Tech.docx; Form_0400_for_Permanent_Rule_15A NCAC 10J .0103.pdf; Form_0400_for_Permanent_Rule_15A NCAC 10J .0104.pdf

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Tuesday, January 7, 2025 9:23 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: January 2025 RRC Meeting-Request for Changes

Travis,

Responses and revised forms and rules are attached. Please let me know if anything else is needed for these rules.



Carrie Ruhlman // Policy Manager
Office of Conservation Policy & Analysis
Office: 919-707-0011 / Mobile: 919-606-2241

1 15A NCAC 10D .0252 is amended with changes as published in 39:02 NCR 80 as follows:

2

3 **15A NCAC 10D .0252 NEEDMORE GAME LAND IN MACON AND SWAIN COUNTIES**

4 Needmore ~~game land~~ **Game Land** is a Seven Days per Week Area, in which the following applies:

5 (1) Horseback riding is prohibited except on designated trails May 16 through August 31, and all
6 horseback riding is prohibited from September 1 through May 15.

7 (2) On posted dove fields, dove hunting on the opening day of dove season is by permit only.

8 (3) ~~[No antlerless deer may be taken during the first open Saturday of the Deer With Visible Antlers~~
9 ~~season on Needmore Game Land.]~~ **No antlerless deer shall be taken during the Deer With Visible**
10 **Antler season.**

11

12 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; ~~113-291.5; 113-296;~~ 113-305;*

13 *Eff. February 1, 2025; October 1, ~~2022.~~ 2022;*

14 *Temporary Amendment Eff. August 8, 2024.*

15

1 15A NCAC 10G .0501 is readopted with changes as published in 39:05 NCR 222 as follows:

2

3 **15A NCAC 10G .0501 LICENSEE REQUIREMENTS**

4 ~~[(a)] In order to show entitlement to licenses~~ An individual exercising the privilege of a license issued by the Wildlife
5 Resources ~~Commission, Commission~~ persons exercising the privilege of any license shall carry on their person and
6 show to ~~any a~~ Wildlife Enforcement ~~Officer, Officer~~ upon ~~request a~~ request, the following documents:

7 (1) an electronic or physical license that entitles the individual to that privilege; and

8 (2) a valid picture identification card which that includes the license holder's correct name, address, and
9 date of ~~birth, birth~~.

10 ~~[(b)] except that no~~ No person shall be in violation of this Rule if the required identification is provided to the Wildlife
11 Resources Commission prior to the assigned court date. ~~The North Carolina Driver's License or the North Carolina~~
12 ~~Picture ID Card issued by the North Carolina Division of Motor Vehicles is one type of identification card that is~~
13 ~~acceptable for the purposes of this Rule.~~

14

15 *History Note:* Authority G.S. 113-134; 113-270.1; 113-275;

16 *Eff. April 1, 1997.*

17 *Readopted Eff. February 1, 2025*

1 15A NCAC 10J .0103 is readopted with changes as published in 39:05 NCR 222 as follows:

2
3 **15A NCAC 10J .0103 HUNTING ON WILDLIFE CONSERVATION AREAS**

4 (a) ~~Safety Requirements.~~ No person shall be under the influence of an impairing substance, as defined by G.S. [20-
5 4.01(48b)] 20-4.01(48b), while hunting on ~~any area a~~ designated and posted as a wildlife conservation area Wildlife
6 Conservation Area. ~~shall be under the influence of alcohol or any narcotic drug.~~

7 (b) ~~Tree Stands.~~ It is unlawful to erect or to occupy, for the purpose of hunting, ~~any tree stand or platform attached~~
8 ~~by nails, screws, bolts, or wire to a tree on any area designated and posted as a wildlife conservation area.~~ Erecting or
9 occupying a tree stand or platform attached by nails, screws, bolts, or wire to a tree for the purpose of hunting on a
10 designated Wildlife Conservation Area is prohibited. This prohibition shall not apply to lag-screw steps or portable
11 stands that are removed after use with no metal left remaining in or attached to the tree.

12 (c) ~~Time and Manner of Taking.~~ Hunting on designated Wildlife Conservation Areas during the open season for game
13 or furbearing species is permitted. ~~Except~~ except where the area is closed to hunting or limited to specific dates by the
14 rules of this Chapter ~~Chapter.~~ hunting on areas designated and posted as wildlife conservation areas is permitted during
15 the open season for the game or furbearing species being hunted.

16 (1) ~~Waterfowl~~ waterfowl hunters shall not enter ~~the areas~~ Wildlife Conservation Areas earlier than 4:00
17 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates;
18 decoys may not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. on each date.

19 (2) ~~game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,~~
20 ~~Saturdays and Thanksgiving Day, Christmas Day, and New Year's Day.~~

21 (3) ~~deer may be taken with archery~~ [equipment] equipment, as specified in 15A NCAC 10B [~~0116~~]
22 .0116, on the opening day of the archery season.

23 (d) The following shall be prohibited while hunting on Wildlife Conservation Areas:

24 (1) ~~No person shall operate~~ operating ~~any a~~ vessel or vehicle powered by an internal combustion engine
25 engine; on the waters of any area designated and posted as a wildlife conservation area.

26 (2) ~~No person shall attempt~~ attempting to obscure the sex or age of ~~any a~~ game bird or game animal
27 taken by severing the head or ~~any~~ other part thereof, or possess ~~any a~~ bird or animal ~~which that~~ has
28 been ~~so mutilated.~~ mutilated;

29 (3) ~~No person shall place, or cause to be placed on any area designated and posted as a wildlife~~
30 ~~conservation area,~~ placing salt, grain, fruit, or other foods without prior written authorization of the
31 Commission or its ~~agent~~ agent; ~~and no person shall take or attempt~~ attempting to take ~~any~~ game
32 birds or game animals attracted to such ~~foods.~~ foods;

33 (4) ~~No person shall use~~ using an electronic calling device for the purpose of attracting wild birds or wild
34 ~~animals.~~ animals; and

35 (5) ~~No~~ removing live wild animals or wild ~~birds~~ birds, ~~shall be removed from any designated wildlife~~
36 ~~conservation area~~ except with the written permission of the landowner.

37 (e) The Nona Pitt Hinson Cohen Wildlife Conservation Area - Richmond County is closed to hunting.

1 ~~(d) Hunting Dates:~~

2 (1) ~~Any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,~~
3 ~~Saturdays and Thanksgiving, Christmas, and New Year's Days. In addition, deer Deer may be taken~~
4 ~~with bow and arrow on the opening day of the bow and arrow season for deer. Raccoon and opossum~~
5 ~~hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight~~
6 ~~on Saturdays.~~

7 (2) ~~Except as otherwise indicated, the following designated wildlife conservation areas or indicated~~
8 ~~portions thereof are closed to all hunting:~~

9 (A) — ~~Nona Pitt Hinson Cohen Wildlife Conservation Area — Richmond County.~~

10 (B) — ~~John D. Lewis Wildlife Conservation Area — Wayne County.~~

11
12 *History Note:* ~~Authority G.S. 113-134; 113-136; 113-264; 113-291.2; 113-291.5; 113-305;~~
13 ~~Eff. February 1, 1990;~~
14 ~~Amended Eff. August 1, 2021; October 1, 1994.~~
15 ~~Readopted Eff. February 1, 2025~~

1 15A NCAC 10J .0104 is readopted with changes as published in 39:05 NCR 223 as follows:

2
3 **15A NCAC 10J .0104 FISHING ON WILDLIFE CONSERVATION AREAS**

4 (a) ~~Generally. Except as otherwise indicated herein, fishing on designated wildlife conservation areas which are open~~
5 ~~to fishing shall be in accordance with the statewide regulations. All designated Designated wildlife conservation areas~~
6 ~~Wildlife Conservations Areas are open to public fishing except restocked ponds when posted against fishing.~~

7 (b) ~~No trotline or set hook nor any, net, trap, gig or other special fishing device of a type mentioned specified in **15**~~
8 ~~**15A** NCAC 10C .0403 .0404, except archery ~~equipment~~ equipment, may be used in the impounded waters or~~
9 ~~free-running streams located on designated ~~wildlife conservation areas~~. Wildlife Conservation Areas. Except as~~
10 ~~otherwise indicated, the following designated wildlife conservation areas or indicated portions thereof are closed to~~
11 ~~all fishing, except for special fishing clinics authorized or conducted by the Commission: John D. Lewis Wildlife~~
12 ~~Conservation Area—Wayne County.~~

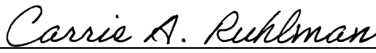
13 (b) ~~Designated Public Mountain Trout Waters: Fishing Hours. It is unlawful to fish in designated public mountain~~
14 ~~trout waters on any a designated wildlife conservation area Wildlife Conservation Area from one half hour after sunset~~
15 ~~to one half hour before sunrise.~~

16
17 *History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;*
18 *Eff. February 1, 1990;*
19 *Amended Eff. October 1, 1994.*
20 *Readopted Eff. February 1, 2025*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency:	
2. Rule citation & name (name not required for repeal):	
3. Action: <input type="checkbox"/> ADOPTION <input 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 type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input type="checkbox"/> No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: <input type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. 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. <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 type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
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; margin-bottom: 10px;"><i>Carrie A. Ruhlman</i></div> <hr style="width: 80%; margin: 0 auto;"/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *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

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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; margin-bottom: 10px;">  <hr style="width: 80%; margin: auto;"/> </div> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *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:
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Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, January 6, 2025 2:34 PM
To: Ruhlman, Carrie A
Cc: Burgos, Alexander N
Subject: January 2025 RRC Meeting-Request for Changes
Attachments: 1_2025_Wildlife Resources Commission-Request for Technical Changes.docx

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Wildlife Resources Commission for the January 2025 RRC meeting. The RRC will formally review these rules at its meeting on Wednesday, January 30, 2025, 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. 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 invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rule to me via email, no later than 5 p.m. on January 21, 2025. Let me know if you have any questions.

Thank you.

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

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: Wiggs, Travis C
Sent: Wednesday, December 18, 2024 4:46 PM
To: Ruhlman, Carrie A
Cc: Burgos, Alexander N
Subject: January 2025 RRC Meeting-Request for Changes
Attachments: 1_2025_Wildlife Resources Commission Request for Technical Changes.docx

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Wildlife Resources Commission for the January 2025 RRC meeting. The RRC will formally review these rules at its meeting on Wednesday, January 30, 2025, 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. 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 invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rule to me via email, no later than 5 p.m. on January 8, 2025. Let me know if you have any questions.

Thank you.

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

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.