Subject:

FW: January 2025 RRC Meeting-Request for Changes

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, January 9, 2025 4:16 PM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Haywood, Betsy <betsy.haywood@ncwildlife.org>
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 30<sup>th</sup> meeting. Please submit the revised rules via email to <u>oah.rules@oah.nc.gov</u> no later than 5pm on January 21, 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: <u>travis.wiggs@oah.nc.gov</u>

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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 <u>oah.rules@oah.nc.gov</u>.
- 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: "a<u>A</u>ssociation"
  - 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.

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0305

#### DEADLINE FOR RECEIPT: January 21, 2025

# <u>PLEASE NOTE:</u> 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.

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0330

#### **DEADLINE FOR RECEIPT: January 21, 2025**

# <u>PLEASE NOTE:</u> 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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0332

#### **DEADLINE FOR RECEIPT: January 21, 2025**

# <u>PLEASE NOTE:</u> 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

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10F .0333

#### DEADLINE FOR RECEIPT: January 21, 2025

# <u>PLEASE NOTE:</u> 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

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

3	15A NCAC 10F	.0330 CARTERET COUNTY
4	(a) Regulated An	reas. 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 Shackleford 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 <del>canal</del> . canal;
7	<u>(16)</u>	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	<u>(17)</u>	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		<u>Isle;</u>
13	<u>(18)</u>	the waters within 50 yards of the Newport Boating Access Area on Newport River, at 333 E.
14		Chatham Street, Newport:
15	<u>(19)</u>	the waters within 50 yards of the Morehead City Boating Access Area on the Intracoastal Waterway,
16		3407 Arendall Street, Morehead City;
17	<u>(20)</u>	the waters within 50 yards of the West Beaufort Boating Access Area on Newport River, 298 West
18		Beaufort Road, Beaufort;
19	<u>(21)</u>	the waters within 50 yards of the Taylors Creek Boating Access Area on Taylors Creek, 2370
20		Lennoxville Road, Beaufort;
21	<u>(22)</u>	the waters within 50 yards of the Straits Landing Boating Access Area on North River, 1648 Harkers
22		Island Road, Straits;
23	<u>(23)</u>	the waters within 50 yards of the Oyster Creek Boating Access Area on Oyster Creek, 1300 U.S.
24		Highway 70, Davis;
25	<u>(24)</u>	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	t. No person shall operate a vessel at a speed greater than no-wake speed while on the waters of the
30	regulated areas of	designated in Paragraph (a) of this Rule.
31	(c) Placement of	f Markers. The following agencies shall be the designated agencies for placement of place the markers
32	implementing th	is 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 Subparagraphs
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; <del>and</del>
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	<u>(6)</u>	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		<u>Amended Eff. February 1, 2025</u> .
21		

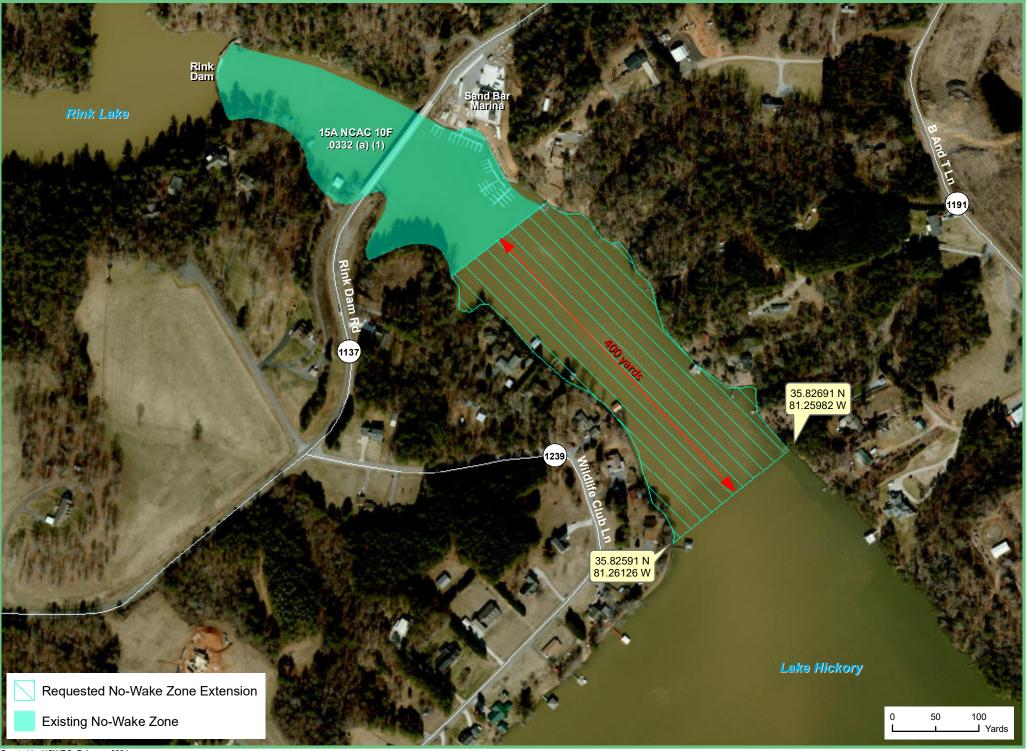
1. Rule-Making Agency: North Carolina Wildlife Resources Commission			
2. Rule citation & name (name not required for repeal): 15	A NCAC 10F .0305 Brunswick County		
3. Action:	READOPTION REPEAL through READOPTION		
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?		
Yes. Cite authority:	Yes. Cite authority:		
No No	No No		
6. Notice for Proposed Rule:			
<ul> <li>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</li> <li>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</li> <li>Notice not required under G.S.: Adoption by Agency on:</li> </ul>			
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.		
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> <li>No</li> </ul>	<ul> <li>☐ This Rule was part of a combined analysis.</li> <li>☐ State funds affected</li> <li>☐ Local funds affected</li> <li>☐ Substantial economic impact (≥\$1,000,000)</li> <li>☐ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>		
9. REAS	DN FOR ACTION		
<ul> <li>9A. What prompted this action? Check all that apply:</li> <li>Agency</li> <li>Court order / cite:</li> <li>Federal statute / cite:</li> <li>Federal regulation / cite:</li> <li>9B. Explain: Technical amendments to the Rule correct coord</li> </ul>	<ul> <li>Legislation enacted by the General Assembly Cite Session Law:</li> <li>Petition for rule-making</li> <li>Other:</li> <li>dinates at the Odell Williamson Bridge in the Town of Ocean Isle Creek Boating Access Area in Southport, as it is listed already as the</li> </ul>		
10. Rulemaking Coordinator: Carrie Ruhlman	11. Signature of Agency Head* or Rule-making Coordinator:		
Phone: 010 707 0011	Carrie A. Ruhlman		
Phone: 919-707-0011 E-Mail: carrie.ruhlman@ncwildlife.org	By signing, I have verified that the information contained on this		
2 man carrentamananane whome.org	form is true and accurate to the best of my knowledge.		
Additional agency contact, if any: Betsy Haywood			
DI 010 707 0012	*If this function has been delegated (reassigned) pursuant to		
Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	G.S. 143B-10(a), submit a copy of the delegation with this form.		
L mun. oosymaywood@newndme.olg	Typed Name: Carrie Ruhlman		
	Title: Rulemaking Coordinator		
	O OAH USE ONLY		
Action taken:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         Other:			

1. Rule-Making Agency: North Carolina Wildlife Resources Commission		
2. Rule citation & name (name not required for repeal): 15	A NCAC 10F .0330 Carteret County	
3. Action:	<b>READOPTION REPEAL through READOPTION</b>	
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?	
☐ Yes. Cite authority:	<b>Yes.</b> Cite authority:	
No No	□ No	
6. Notice for Proposed Rule:		
<ul> <li>Notice Required Notice of Text published on: 09/03/24 Link to Agency notice: https://www.ncwildlife.org/Prop Hearing on: 10/23/24</li> <li>The requirements listed in G.S. 150B-19.1(c)(1)-(5) wer date of the notice of text in the N.C. Register. Adoption by Agency on: 12/05/24</li> <li>Notice not required under G.S.: Adoption by Agency on:</li> </ul>	posed-Regulations re posted on the agency's Web site no later than the publication	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.	
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> </ul>	<ul> <li>□ This Rule was part of a combined analysis.</li> <li>□ State funds affected</li> <li>□ Local funds affected</li> <li>□ Substantial economic impact (≥\$1,000,000)</li> <li>□ Approved by OSBM</li> </ul>	
No No	No fiscal note required	
<ul> <li>9A. What prompted this action? Check all that apply:</li> <li>Agency</li> <li>Court order / cite:</li> <li>Federal statute / cite:</li> <li>Federal regulation / cite:</li> <li>9B. Explain: Technical amendments to the Rule codify descrithat are owned or maintained by the NC Wildlife Resources Compared or maintained by the NC Wildlife Resources Compared or maintained by the NC Wildlife Resources Compared on the Rule code of the Rule code</li></ul>		
10. Rulemaking Coordinator: Carrie Ruhlman	11. Signature of Agency Head* or Rule-making Coordinator:	
Phone: 919-707-0011	Carris A. Ruhlman	
E-Mail: carrie.ruhlman@ncwildlife.org	By signing, I have verified that the information contained on this	
Additional agency contact, if any: Betsy Haywood	form is true and accurate to the best of my knowledge.	
Phone: 010 707 0013	*If this function has been delegated (reassigned) pursuant to	
Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	G.S. 143B-10(a), submit a copy of the delegation with this form.	
L-man. oetsy.naywood@newndine.org	Typed Name: Carrie Ruhlman	
	Title: Rulemaking Coordinator	
RRC AND OAH USE ONLY		
Action taken:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         Other:		

1. Rule-Making Agency: North Carolina Wildlife Resources Commission			
2. Rule citation & name (name not required for repeal): 15	A NCAC 10F .0332 Alexander County		
3. Action:	READOPTION REPEAL through READOPTION		
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?		
Yes. Cite authority:	Ves. Cite authority:		
No No	No No		
6. Notice for Proposed Rule:			
<ul> <li>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</li> <li>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</li> <li>Notice not required under G.S.:</li> </ul>			
Adoption by Agency on:	0 E'ast's see Charles II that see h		
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.		
T Yes	This Rule was part of a combined analysis.		
Agency submitted request for consultation on:	L State funds affected Local funds affected		
Consultation not required. Cite authority:	□ Substantial economic impact (≥\$1,000,000)		
🖂 No	Approved by OSBM		
	No fiscal note required		
9. REASC 9A. What prompted this action? Check all that apply:	ON FOR ACTION		
Agency	Legislation enacted by the General Assembly		
Court order / cite:	Cite Session Law:		
<ul> <li>Federal statute / cite:</li> <li>Federal regulation / cite:</li> </ul>	Petition for rule-making Other:		
	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	11. Signature of Agency Head* or Rule-making Coordinator:		
Phone: 919-707-0011	Carrie A. Ruhlman		
E-Mail: carrie.ruhlman@ncwildlife.org	By signing, I have verified that the information contained on this		
Additional agency contact, if any: Betsy Haywood	form is true and accurate to the best of my knowledge.		
Phone: 010 707 0013	*If this function has been delegated (reassigned) pursuant to		
Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	G.S. 143B-10(a), submit a copy of the delegation with this form.		
Typed Name: Carrie Ruhlman			
	Title: Rulemaking Coordinator		
	O OAH USE ONLY		
Action taken:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         Other:			

1. Rule-Making Agency: North Carolina Wildlife Resources Commission			
2. Rule citation & name (name not required for repeal): 15	A NCAC 10F .0333 Mecklenburg and Gaston Counties		
3. Action:	READOPTION REPEAL through READOPTION		
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?		
Yes. Cite authority:	Ves. Cite authority:		
No No	No No		
6. Notice for Proposed Rule:			
<ul> <li>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</li> <li>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</li> <li>Notice not required under G.S.:</li> </ul>			
Adoption by Agency on: 7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.		
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> <li>No</li> </ul>	<ul> <li>Chief and that apply.</li> <li>This Rule was part of a combined analysis.</li> <li>State funds affected</li> <li>Local funds affected</li> <li>Substantial economic impact (≥\$1,000,000)</li> <li>Approved by OSBM</li> <li>No fiscal note required</li> </ul>		
9. REASO	ON FOR ACTION		
<ul> <li>9A. What prompted this action? Check all that apply:</li> <li>Agency</li> <li>Court order / cite:</li> <li>Federal statute / cite:</li> <li>Federal regulation / cite:</li> <li>9B. Explain: The rule amendments will correct the coordinate establish a no-wake zone within 50 yards of Joyner's Marina a pertaining to the marking of some public facilities and marked</li> </ul>	<ul> <li>Legislation enacted by the General Assembly Cite Session Law:</li> <li>Petition for rule-making</li> <li>Other: Application from the Lake Wylie Marine Commission es of the no wake zone at the Buster Boyd Bridge in Mecklenburg Co., nd waters of the surrounding cove, and remove incorrect text swim and mooring areas by the Lake Wylie Marine Commission.</li> </ul>		
10. Rulemaking Coordinator: Carrie Ruhlman	11. Signature of Agency Head* or Rule-making Coordinator:		
Phone: 919-707-0011	Carrie A. Ruhlman		
<b>E-Mail:</b> carrie.ruhlman@ncwildlife.org	By signing, I have verified that the information contained on this		
Additional agency contact, if any: Betsy Haywood	form is true and accurate to the best of my knowledge.		
	*If this function has been delegated (reassigned) pursuant to		
Phone: 919-707-0013 E-Mail: betsy.haywood@ncwildlife.org	G.S. 143B-10(a), submit a copy of the delegation with this form.		
E-man; beisy.naywood@newndine.org	Typed Name: Carrie Ruhlman		
	Title: Rulemaking Coordinator		
RRC AND	OAH USE ONLY		
Action taken:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         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



Created by NCWRC, February 2024

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



Created by NCWRC, January 2024

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 30<sup>th</sup> meeting. Please submit the revised rules via email to <u>oah.rules@oah.nc.gov</u> 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

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 10I	0.0252 is amended with changes as published in 39:02 NCR 80 as follows:
2		
3	15A NCAC 10I	D .0252 NEEDMORE GAME LAND IN MACON AND SWAIN COUNTIES
4	Needmore <mark>game</mark>	<del>e land</del> <u>Game Land</u> 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	<u>(3)</u>	[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; <mark>113-291.5;</mark> <del>113-296;</del> 113-305;
13		<i>Eff. <u>February 1, 2025</u>; October 1, <del>2022.</del> <u>2022;</u></i>
14		Temporary Amendment Eff. August 8, <del>2024</del> .
15		

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

3	15A NCAC 100	G.0501 LICENSEE REQUIREMENTS
4	[ <mark>(a)</mark> ] In order to	show entitlement to licenses An individual exercising the privilege of a license issued by the Wildlife
5	Resources <del>Com</del>	nission, Commission persons exercising the privilege of any license shall carry on their person and
6	show to <del>any</del> <u>a</u> W	ildlife Enforcement Officer, Officer upon request a request, the following documents:
7	<u>(1)</u>	an electronic or physical license that entitles the individual to that privilege; and
8	<u>(2)</u>	a valid picture identification card which that includes the license holder's correct name, address, and
9		date of <del>birth,</del> <u>birth.</u>
10	[ <mark>(b)</mark> ] except that	no <u>No person shall be in violation of this Rule if the required identification is provided to the Wildlif</u> e
11	Resources Com	nission 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 th	e purposes of this Rule.
14		
15	History Note:	Authority G.S. 113-134; 113-270.1; 113-275;
16		Eff. April 1, 1997.
17		<u>Readopted Eff. February 1, 2025</u>

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

3	15A NCAC 10J	.0103 HUNTING ON WILDLIFE CONSERVATION AREAS
4	(a) Safety Requi	rements. No person <u>shall be under the influence of an impairing substance, as defined by G.S. [</u> 20-
5	<mark>4.01(48b)</mark> ] <u>20-4.(</u>	D1(48b), while hunting on <del>any area</del> a designated <del>and posted as a wildlife conservation area</del> Wildlife
6	Conservation Are	ea. 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 Wildl	ife Conservation Area is prohibited. This prohibition shall not apply to lag-screw steps or portable
11	stands that are re	moved after use with no metal left remaining in or attached to the tree.
12	(c) Time and Ma	nner of Taking. Hunting on designated Wildlife Conservation Areas during the open season for game
13	or furbearing spe	cies is permitted, Except except where the area is closed to hunting or limited to specific dates by the
14	rules of this <del>Chap</del>	ter <u>Chapter.</u> hunting on areas designated and posted as wildlife conservation areas is permitted during
15	the open season f	for the game or furbearing species being hunted.
16	<u>(1)</u>	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	<u>(2)</u>	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	<u>(3)</u>	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	g shall be prohibited while hunting on Wildlife Conservation Areas:
24	<u>(1)</u>	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	<u>(2)</u>	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 <u>a</u> bird or animal which that has
28		been so mutilated. mutilated:
29	<u>(3)</u>	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	<u>(4)</u>	No person shall use using an electronic calling device for the purpose of attracting wild birds or wild
34		animals. animals; and
35	<u>(5)</u>	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	<u>(e) The Nona Pit</u>	t Hinson Cohen Wildlife Conservation Area - Richmond County is closed to hunting.

1	(d) Hunting Dat	<del>es:</del>
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; <del>113-291.5;</del> 113-305;
13		Eff. February 1, 1990;
14		Amended Eff. August 1, 2021; October 1, 1994.
15		<u>Readopted Eff. February 1, 2025</u>

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

- 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 Conservation Area Wayne County. 12 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 <u>Readopted Eff. February 1, 2025</u>

1. Rule-Making Agency:				
2. Rule citation & name (name not required for repeal):				
3. Action:         ADOPTION       AMENDMENT         4. Rule exempt from RRC review?         Yes. Cite authority:         No	READOPTION       REPEAL through READOPTION         5. Rule automatically subject to legislative review?         Yes. Cite authority:         No			
6. Notice for Proposed Rule:				
<ul> <li>Notice for Proposed Kine:</li> <li>Notice for Proposed Kine:</li> <li>Notice of Text published on:</li> <li>Link to Agency notice:</li> <li>Hearing on:</li> <li>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.</li> <li>Adoption by Agency on:</li> <li>Notice not required under G.S.:</li> <li>Adoption by Agency on:</li> </ul>				
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.			
<ul> <li>Yes</li> <li>Agency submitted request for consultation on: Consultation not required. Cite authority:</li> <li>No</li> </ul>	<ul> <li>□ This Rule was part of a combined analysis.</li> <li>□ State funds affected</li> <li>□ Local funds affected</li> <li>□ Substantial economic impact (≥\$1,000,000)</li> <li>□ Approved by OSBM</li> <li>□ No fiscal note required</li> </ul>			
0 DEASC	DN FOR ACTION			
<ul> <li>9A. What prompted this action? Check all that apply:</li> <li>Agency</li> <li>Court order / cite:</li> <li>Federal statute / cite:</li> <li>Federal regulation / cite:</li> <li>9B. Explain:</li> </ul>	<ul> <li>Legislation enacted by the General Assembly Cite Session Law:</li> <li>Petition for rule-making</li> <li>Other:</li> </ul>			
10. Rulemaking Coordinator:	11. Signature of Agency Head* or Rule-making Coordinator:			
Phone: E-Mail:	Carrie A. Ruhlman By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge.			
Additional agency contact, if any:				
Phone: E-Mail:	*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:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         Other:				

1. Rule-Making Agency:				
2. Rule citation & name (name not required for repeal):				
3. Action:         ADOPTION       AMENDMENT         4. Rule exempt from RRC review?         Yes. Cite authority:         No	READOPTION       REPEAL through READOPTION         5. Rule automatically subject to legislative review?         Yes. Cite authority:         No			
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	Title:			
Action taken:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         Other:	O OAH USE ONLY			

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	No fiscal note required			
<ul> <li>9A. What prompted this action? Check all that apply:</li> <li>Agency</li> <li>Court order / cite:</li> <li>Federal statute / cite:</li> <li>Federal regulation / cite:</li> <li>9B. Explain:</li> </ul>	<ul> <li>DN FOR ACTION</li> <li>Legislation enacted by the General Assembly Cite Session Law:</li> <li>Petition for rule-making</li> <li>Other:</li> </ul>			
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Phone:	Carrie A. Ruhlman			
E-Mail:	By signing, I have verified that the information contained on this			
Additional agency contact, if any: Phone:	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.			
E-Mail:	Turned Nemer			
	Typed Name: Title:			
RRC AND OAH USE ONLY				
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2. Rule citation & name (name not required for repeal):				
3. Action:	READOPTION REPEAL through READOPTION			
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?			
Yes. Cite authority:	Yes. Cite authority:			
No No				
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<ul> <li>Notice Required         <ul> <li>Notice of Text published on:</li> <li>Link to Agency notice:</li> <li>Hearing on:</li> </ul> </li> <li>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.             <ul></ul></li></ul>				
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Dhanai	Carris A. Ruhlman			
Phone: E-Mail:	By signing, I have verified that the information contained on this			
	form is true and accurate to the best of my knowledge.			
Additional agency contact, if any:	· · · · · · · · · · · · · · · · · · ·			
	*If this function has been delegated (reassigned) pursuant to			
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E-Mail:	Typed Name:			
	Title:			
RRC AND OAH USE ONLY				
Action taken:         RRC extended period of review:         RRC determined substantial changes:         Withdrawn by agency         Subject to Legislative Review         Other:				

From:	Wiggs, Travis C
Sent:	Monday, January 6, 2025 2:34 PM
То:	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 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 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.

From:	Wiggs, Travis C
Sent:	Wednesday, December 18, 2024 4:46 PM
То:	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

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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

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