

Burgos, Alexander N

Subject: FW: Wildlife Resources Commission RFC

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Wednesday, January 24, 2024 9:15 AM

To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>

Subject: RE: Wildlife Resources Commission RFC

Carrie,

Good morning. I intend to recommend adoption for all of the proposed rules at the 1/31 meeting. Please send all the rules to oah.rules@oah.nc.gov to be filed.

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: Wildlife Resources Commission RFC
Attachments: 15A NCAC 10K .0102 - Tech2.docx

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Tuesday, January 23, 2024 3:40 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Subject: RE: Wildlife Resources Commission RFC

Travis,

Thanks for the clarification. The attached should address your concerns. Please let me know if you have any other questions or concerns.

Carrie Ruhlman

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, NC 27606
O: 919-707-0011/C: 919-606-2241

ncwildlife.org



1 15A NCAC 10K .0102 is readopted as published in 38:07 NCR 418 as follows:

2
3 **15A NCAC 10K .0102 ISSUANCE OF CERTIFICATE OF COMPETENCY**

4 (a) Upon ~~the conclusion~~ successful completion of a basic hunter safety education course, ~~the instructor shall complete~~
5 ~~a card for each participant who successfully completed the course in accordance with 15A NCAC 10K Rule .0101 of~~
6 ~~this Section, and forward the card record to the North Carolina Wildlife Resources~~ a certificate of competency shall
7 be issued by the Commission. ~~Commission for processing.~~

8 (b) ~~After receiving the completed card referred to in Paragraph (a) of this Rule, the Commission shall issue a~~
9 ~~Certificate of Competency to each participant who successfully completes the course. This certificate shall include:~~

- 10 (1) ~~— a certification number;~~
11 (2) ~~— the participant's name, address, and date of birth;~~
12 (3) ~~— the hunter safety course instructor's name; and~~
13 (4) ~~— course completion date.~~

14 (e)(b) ~~The Commission shall maintain permanent files of all successful participants in hunter safety courses who were~~
15 ~~issued a certificate of competency. Duplicate certificates may be obtained from the Commission. Commission free of~~
16 ~~charge upon request.~~

17 (c) The Commission ~~[may]~~ shall recognize a certificate of competency from another state or province so long as the
18 hunter education course met or exceeded the standards of the International Hunter Education Association, which is
19 hereby incorporated by reference, including subsequent amendments and [editions,] editions. The standards may be
20 accessed at [ihea-usa.org/resources/#Standards,] ihea-usa.org/resources/#Standards at no charge.

21
22 *History Note: Authority G.S. 113-134; 113-270.1A;*
23 *Eff. September 1, 1991;*
24 *Amended Eff. April 1, 2003; May 1, 1995;*
25 *Readopted Eff. February 1, 2024.*
26

Burgos, Alexander N

Subject: FW: Wildlife Resources Commission RFC

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, January 23, 2024 10:51 AM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Haywood, Betsy <betsy.haywood@ncwildlife.org>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Subject: RE: Wildlife Resources Commission RFC

Carrie,

Thank you for the responses and revised rules.

I have one final request in 10K .0102 (c). Please incorporate by reference the standards of the International Hunter Education Association into the rule. I believe this is needed after reviewing 150B-21.6 and the style guide.

Pursuant to G.S. 150B-21.6, an agency may adopt by reference in its rules, without repeating the contents of the material in the rule if: (1) the agency is incorporating another rule or part of a rule the agency has already adopted; or (2) the **agency is adopting a code or standard that another body has adopted**. Incorporate a document created by an outside organization to allow your agency to enforce those requirements without repeating the contents in rule. Provide a cross-reference instead if you are simply pointing out a relevant document or citation.

The agency shall designate in the text of the rule whether the incorporation includes subsequent amendments and editions of the referenced material. The reference shall also state where copies can be obtained and inspected. If the material can be accessed for free online, then provide a URL in the text of the rule, and state "may be accessed at [URL] at no charge."

I suggest starting a new sentence after "Association" that reads, "The standards of the International Hunter Education Association are incorporated by reference, including subsequent amendments and editions, and can found be at ihea-use.org/resources/#Standards at no cost." Be sure to remove the hyperlink to the website when incorporating materials available online.

Please reply to this email with the requested change at your earliest convenience. 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: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, January 18, 2024 3:58 PM
To: Haywood, Betsy <betsy.haywood@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: RE: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

Ms. Haywood,

The requests for technical changes to all the proposed rules on the agenda for the January 31st meeting are on the OAH website. The requests were also attached to the original email you sent me at 11:36 am today.

Thank you.

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

From: Haywood, Betsy <betsy.haywood@ncwildlife.org>
Sent: Thursday, January 18, 2024 3:48 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: RE: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

Dear Mr. Wiggs,

If you will provide me with an email asking about needed technical corrections to any of the four 10F rules on the agenda for the January 31 RRC meeting I will be happy to respond via email, or if you would like for me to call you I am happy to do that. In the past, probably because my name was listed as a contact on the Submission of Permanent Text form, several of us at this agency who were listed on that form received the same email. I responded only to questions about 10F rules.

I knew about your questions about 15A NCAC 10F .0305 Brunswick County because your letter was posted on the OAH website regarding the upcoming RRC meeting.

Thank you so much.

Best regards, Betsy

*Betsy Haywood
Water Safety Rulemaking Coordinator
Law Enforcement Division
(919)707-0013*

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, January 18, 2024 3:09 PM
To: Haywood, Betsy; Burgos, Alexander N
Cc: Ruhlman, Carrie A
Subject: RE: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

Ms. Haywood,

Will I be receiving a separate email with responses to the requests for technical changes? I wasn't sure if I would receive responses from you regarding the proposed boating safety rules and perhaps someone else for the other rules.

Thanks in advance.

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

From: Haywood, Betsy <betsy.haywood@ncwildlife.org>
Sent: Thursday, January 18, 2024 12:10 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

Hello again,

Thank you so much for your quick response. I will ask that my name be added back to the Submission for Permanent Rule form from now on. I recall it used to be on the form.

Kind regards, Betsy

*Betsy Haywood
Water Safety Rulemaking Coordinator
Law Enforcement Division
(919)707-0013*

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, January 18, 2024 12:03 PM
To: Haywood, Betsy <betsy.haywood@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

Good morning Ms. Haywood,

Thank you for the email and the insightful information.

Mr. Burgos will ensure that you receive an invitation to the RRC meeting on January 31st and future meetings.

We will add you back to the OAH email list. It would also be helpful if your contact information is added to the "Submission for Permanent Rule" form that's included with proposed rules sent to our office.

I look forward to meeting you soon.

Sincerely,

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

From: Haywood, Betsy <betsy.haywood@ncwildlife.org>
Sent: Thursday, January 18, 2024 11:36 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Rules Review Commission Meetings and Wildlife Resources Commission 15A NCAC 10F Rules

Good morning Mr. Wiggs,

I wanted to introduce myself. For the past 18 years I have been the water safety rulemaking coordinator at the NC Wildlife Resources Commission. I work in the Enforcement Division. I coordinate the boating safety rulemaking procedure for the 10F Rules in the North Carolina Administrative Code. I also analyze and prepare the text for the one hundred or so 10F Rules for re-adoption, revision, or repeal during the Periodic Review of Rules.

The Wildlife Resources Commission's statutory authority for water safety rulemaking is found in NCGS 75A-15. While the Rules Division and Rulemaking Coordinator have oversight of agency rulemaking processes, the water safety rulemaking process as defined in NCGS 75A-15 is quite different than the hunting, fishing, trapping, and game land rulemaking that normally is done during a set regulatory cycle and handled by the Rules Division. For more than 25 years the water safety rulemaking process has been handled separately by a water safety rulemaking coordinator.

Water safety Rules are adopted throughout the year, independent of the regulatory cycle, for these mostly *local* water safety Rules. Applications for water safety rulemaking are received from counties and municipalities or are initiated by the agency. Water safety Rules are promulgated only to mitigate hazards to boating and water recreation safety. We work with the US Army Corps of Engineers for concurrence to promulgate Rules in federal waters, Tennessee Valley Authority, the U.S. Coast Guard, as well as with other state and local agencies on matters of preliminary safety assessments, local laws of the General Assembly that may prevent rulemaking in the NCAC, permitting questions and regulatory marker placement questions. I prepare fiscal notes, and work closely with Wildlife Enforcement for their guidance as to whether requests for regulation may be necessary and whether they conform to our statutory authority. I write the Rule text and present the applications to the Wildlife Commissioners for their consideration throughout the rulemaking process. I schedule and hold public hearings for each proposed 10F Rule in conformance with the APA. Upon final adoption, the Rules are sent from the Rules Division to your office for final review by the Rules Review Commission.

In my capacity as Water Safety Rulemaking Coordinator, I attend Rules Review Commission meetings when 10F Rules are under consideration. Could you please make sure I receive an invitation to the RRC meeting on January 31 at 10:00 and to other RRC meetings during the year? Should I request this from someone else?

Also, may I please be added back to the email list from the Office of Administrative Hearings, for requests for technical changes for the Wildlife Resources Commission, so I may respond directly to your questions that pertain to 10F Rules? Betsy.haywood@ncwildlife.org.

If you still have questions about how and why the Dutchman Creek Boating Access Area in Brunswick County 15A NCAC 10F .0305, that was added to the Rule text after publication I'll be happy to explain. My direct number is 919-707-0013 or you may email me at betsy.haywood@ncwildlife.org.

Thank you so much for your help.

Best regards,

*Betsy Haywood
Water Safety Rulemaking Coordinator
Law Enforcement Division
(919)707-0013*

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