

Burgos, Alexander N

Subject: FW: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting

From: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Sent: Monday, July 29, 2024 12:32 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bonner, Melva G <melva.bonner@ncwildlife.org>
Subject: RE: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting

Sounds good. Thank you, Brian!

Carrie



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

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, July 29, 2024 12:18 PM
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: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting

Hi Carrie,

Thanks for the quick answers. Based on your responses, I believe I can recommend approval of the two temp rules at Wednesday's meeting. If you don't have an objection, I'll forward the latest version of Rule 10D .0252 to oah.rules for filing and posting.

Thanks!
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

From: Ruhlman, Carrie A
Sent: Monday, July 29, 2024 11:43 AM
To: Liebman, Brian R
Cc: Burgos, Alexander N; Bonner, Melva G
Subject: RE: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting
Attachments: 15A NCAC 10D .0252-tech.docx

Hi Brian,

Please see answers below. A revised version of 10D .0252 is attached. Please let me know if you have any other questions or concerns.

Thanks,
Carrie



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

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Saturday, July 27, 2024 1:48 PM
To: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Cc: Bonner, Melva G <melva.bonner@ncwildlife.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting

Hi all,

I'm the attorney assigned to these rules, which will be considered at the July 31, 2024 RRC meeting. I don't have too many questions, so I am going to just put my requests for changes in this email. As the meeting is on Wednesday, your responses are due no later than 5 PM on Monday, July 29, 2024.

15A NCAC 10C .0307

My understanding is that this rule applies only to flounder, as an inland game fish, when it is found in inland waters, and wouldn't apply to joint waters. Is that correct? **This rule applies to inland fishing waters and joint fishing waters. Per 10C .0301(b), Flounder are an inland game fish when found in inland fishing waters. However, because the WRC and MFC agreed that the laws and regulations pertaining to inland game fishes apply to joint fishing waters (10C .0106(b)), the size and creel limits for flounder apply in inland and joint fishing waters.** Along those lines, must this rule be jointly adopted by MFC? **No.**

I think we have some formatting issues. I don't think the language that was proposed for deletion and restored needs to be italicized, just highlighted. Also, I don't think you need to put "one" in brackets, as it is text being added, so it just needs to be underlined and highlighted. **As discussed, this rule was amended as part of our annual rulemaking cycle and the new version (one fish limit) will not become effective until August 1. Since we had to notice off of the version that is currently in the code, which is not the most recently approved version, we were**

asked to italicize the text we proposed to change. We should have put a note in the form to explain that. I apologize for the oversight. The current proposed temporary rule only changes the season dates.

15A NCAC 10D .0252

On line 4, should “game land” be capitalized? Lower case is consistent with the other 93 game lands in the 10D .0200 rules.

Also on line 4, why is “Seven Days per Week Area” capitalized? Consistent with the definitions in 10D .0103(j).

In your History Note, change “2023;” to “2022;” to remain consistent with the original effective date. Fixed.

Thanks,
Brian

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From: Rules, Oah <oah.rules@oah.nc.gov>
Sent: Friday, July 26, 2024 3:40 PM
To: Snyder, Ashley B <ashley.snyder@oah.nc.gov>; Peaslee, William W <bill.peaslee@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: FW: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting

From: Bonner, Melva G <melva.bonner@ncwildlife.org>
Sent: Friday, July 26, 2024 2:39 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Ruhlman, Carrie A <carrie.ruhlman@ncwildlife.org>
Subject: NCWRC Temporary Rule Filing (2) - 7/31/2024 RRC Meeting

OAH Rules,

Attached, please find the Temporary Rulemaking Findings of Need submission forms and the rule text for the July 31, 2024 RRC meeting. Please let us know if you have any questions.

Thank you,
Melva

Melva Bonner
Regulatory Analyst

N.C. Wildlife Resources Commission
Office of Conservation Policy & Analysis
1751 Varsity Drive
Raleigh, North Carolina 27606

Office: 919-707-0014

ncwildlife.org

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1 15A NCAC 10D .0252 is amended under temporary procedures with changes as follows:

2
3 **15A NCAC 10D .0252 NEEDMORE GAME LAND IN MACON AND SWAIN COUNTIES**

4 Needmore 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. August 8, 2024; October 1, ~~2022~~. 2022;*
14 *Temporary Amendment Eff. August 8, 2024.*
15

Burgos, Alexander N

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Brian

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Regulatory Analyst

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