



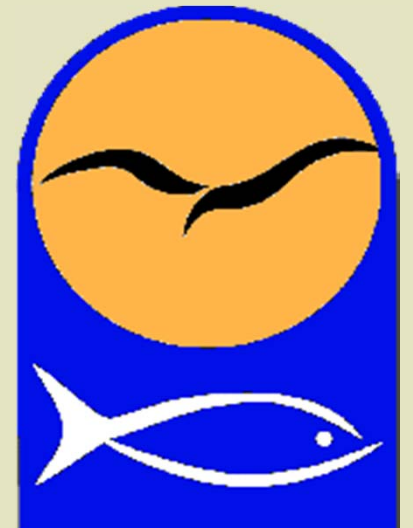
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**NC Dept of Environment and
Natural Resources**

Division of Coastal Management

Periodic Review and Expiration of Existing Rules

July 30, 2014





Agency Rulemaking

- NC Administrative Procedures Act
 - Procedures: rule format, public hearings, adoption, filing etc.
 - Basics: Draft Language, NC Register Notice, Hearings, Fiscal Analysis, OSBM Review, RRC Review, JLAPOC, NC Administrative Code.
 - Timeframe: 8 -12 Months



Review & Expiration of Rules

- Prior to 2013 rules did not expire
- 150B-21.3A requires 10-year review of most rules
- Unnecessary rules will expire
- Necessary rules with substantive public interest must be readopted or they also expire
- Necessary rules without substantive public interest do not expire nor need to be readopted
- CRC's 7B rules scheduled for 2015, all other CRC rules are scheduled for 2017



Review Process

- Requires agencies to review their existing rules and classify them as:
 - **Necessary with substantive public interest** - the agency has received public comment within the last two years; it affects property interest or a person might object to the rule.
 - **Necessary without substantive public interest** – the agency has not received public comment within the last two years or the rules simply provides contact information.
 - **Unnecessary** - the agency determined the rule is obsolete, redundant or otherwise no longer needed.



Review Process cont.

- **Classifications Posted for Public Comment**
 - Office of Administrative Hearings
 - Rules Review Commission
 - 60 days
- **Agency Response to Objections**
 - Amend Classifications
 - Respond to all objections
 - Final Report & Public Comments Sent to RRC



Review of Final Report

- RRC Reviews Final Report & Public Comments
 - Agree or Disagree with agency classification of its rules.
 - May change a classification to “necessary with substantive public interest”
 - No authority to declare a rule as “unnecessary.”
 - Sends to Joint Legislative Admin. Procedures Oversight Committee
- Joint Legislative Admin Procedure Oversight Committee
 - Final Determination Effective Upon APOC Reviews or 61st day if the APOC does not meet.
 - May recommend the agency conduct a review of the rule the following year.



Final Determination

- Necessary Without Substantive Public Interest
 - Remain in Administrative Code.
- Unnecessary
 - Removed From Administrative Code
- Necessary With Substantive Public Interest
 - Need to be Re-adopted by CRC



Schedule for Review of CRC Rules

- Majority of CRC Rules - Jan 2018
- 7B CAMA Land Use Planning Guidelines – **Dec 2015**
- **May 2015:** Approve Report for RRC Review
- **Jun 1, 2015:** 15A NCAC 7B Submitted to RRC & OAH
- **Jun 1 – Aug 7, 2015:** Public Comment Period
- **Oct 2015:** Response to Comments, Final Categorizations
- **Nov 15, 2015:** Report Submitted to RRC
- **Dec 2015:** RRC Reviews CRC Report
- **Jan 2016:** RRC Submits Findings to JLAPOC



For More Information...

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