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*Governor*

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*Director*



**CRC-26-52**

February 4, 2026

## **MEMORANDUM**

**TO:** Coastal Resources Commission

**FROM:** Daniel Govoni

**SUBJECT:** Periodic Review of 15A NCAC 07A; 15A NCAC 07H; 15A NCAC 07I; 15A NCAC 07J; 15A NCAC 07K; 15A NCAC 07L; and 15A NCAC 07M

The General Assembly's 2013 legislation (Session Law 2013-413) added the "Periodic Review and Expiration of Existing Rules" provision to the Administrative Procedure Act (G.S. §150B-21.3A). This provision requires state agencies to review their rules on a ten-year cycle, following a process and schedule established by the Rules Review Commission (RRC). Prior to this law, rules did not expire. Under the current statute, any rule that is not reviewed and readopted according to the required process will automatically expire and be removed from the Administrative Code unless it is mandated by federal law.

In accordance with 15B-21.3A, the initial step in the review process requires each agency to examine its rules and classify them as either "necessary" or "unnecessary." The RRC defines necessary and unnecessary as:

- An unnecessary rule is one determined by the agency to be obsolete, redundant, or otherwise no longer required.
- A necessary rule is any rule that has not been determined to be unnecessary.

At your August 2025 meeting, you approved the subject rules as necessary. The complete list of these classifications was subsequently provided to the Office of Administrative Hearings (OAH) and posted on the websites of both OAH and DCM for a 60-day public comment period. No comments were received during this period.

The next steps require the CRC to approve a final determination of "necessary" or "unnecessary". Following this action a final report will be submitted to OAH and RRC. The RRC may agree or disagree with the classifications and can reclassify any rule as necessary, though it cannot declare a rule unnecessary. The RRC's determination is then forwarded to the Joint Legislative Administrative Procedure Oversight Committee (JLAPOC), whose review



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triggers the final determination. The CRC has the opportunity to meet with JLAPOC to consult on any changes made by the RRC. However, if JLAPOC does not meet within 60 days of receiving the final determination report, the determination takes effect automatically on the 61st day after receipt. At that point, any rule classified as unnecessary and not reclassified will expire and be removed from the Administrative Code. Rules classified as necessary will remain in effect temporarily but must be readopted through the standard permanent rulemaking process. The RRC, in consultation with the CRC, will set the readoption schedule, and amendments may be made during that process.

We look forward to discussing the periodic review of your rules at the February CRC meeting.



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