

SUBCHAPTER 13C - STATE LAKES REGULATIONS

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 13C .0101 AUTHORITY

The rules of this Subchapter apply to the State Lakes at White Lake, Singletary Lake, Bay Tree Lake, Jones Lake, Salters Lake, Lake Waccamaw, and Lake Phelps.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; April 4, 1979;
Transferred from 15A NCAC 12C .0101 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 13C .0102 DEFINITIONS

The following definitions apply to this Chapter:

- (1) "Appliances" means any major electrical, gas, heating, or cooling device including refrigerators, stoves, heaters, freezers, air conditioners, or any other device designed to be permanently situated or attached; Appliances shall not be construed to include lights or boats hoists;
- (2) "Boat" means any vessel equipped with any propulsion machinery, whether or not any such machinery is the principal source of propulsion;
- (3) "Boat Ramp" means any permanent or temporary structure which is placed on the floor of a state lake for the purpose of allowing boats to enter or be removed from a state lake;
- (4) "Boat Slip" means any structure adjoining, attached to, or part of a pier which has the capacity to store one boat;
- (5) "Commercial" means, when applied to any permit issued or application submitted under this Subchapter, that a structure or activity shall be used primarily for gain or profit;
- (6) "Floor Level" means the level of the structure closest to the water;
- (7) "Joint Private" means, when applied to any permit issued or application submitted under this Subchapter, that a structure is in joint ownership between two or more waterfront property owners and constructed on the owner's waterfront property in accordance with Rule .0301(h)(1) of this Subchapter;
- (8) "Major Modification" means replacement of 50 percent or more of the existing structure, or a modification which would change the existing dimensions of the structure;
- (9) "Mooring Buoy" means a device to which a vessel can be moored consisting of
 - (1) a closed cell foam buoy with a hard shell,
 - (2) a screw anchor capable of attaching to the lake floor,
 - (3) a swivel device affixed into the anchoring, and
 - (4) chains capable of anchoring the buoy and a vessel;
- (10) "No Wake Zone" means, an area created in accordance with G.S. 75A-15, within which vessels are required to travel at a speed that creates no appreciable wake;
- (11) "Owner" means any person or entity owning, leasing, operating, or having the exclusive use of a structure or any waterfront property;
- (12) "Patio" means any floor area of a pier, whether covered or uncovered, which directly adjoins the shoreline without using a walkway, not including walkways;
- (13) "Pavilion" means any roofed structure erected above the floor level of a pier and which does not directly adjoin the shoreline other than via a walkway;
- (14) "Pier" means an entire structure, permitted under a state lake permit pursuant to Rule .0301 of this Subchapter, leading out from the shore into a state lake, which may include walkways, patios, platforms, pavilions, and boat slips;
- (15) "Pier Agent" means a representative acting on behalf of a homeowner's association, corporation, street association, or in a multiple-owner situation who is the sole contact and authority regarding a permitted structure;
- (16) "Platform" means any floor area of a pier, other than walkways, which does not directly adjoin the shoreline;

- (17) "Private" means, when applied to any permit issued or application submitted under this Subchapter, that such structure shall be used for the primary enjoyment of the owner and his or her personal guests, invitees, tenants, or lessees;
- (18) "Projected Property Lines" means a linear projection of the property boundaries at each of the two property corners touching at the mean high water mark of the shoreline;
- (19) "Public" means, when applied to any permit issued under this Subchapter, a government-owned structure or a structure open to the public with no fee;
- (20) "Seawall" means a wall or embankment erected to prevent the water of a state lake from encroaching on or eroding an area of land;
- (21) "State Lake" means all property up to the mean high water mark, whether covered by water or not, in any body of water identified in Rule .0101 of this Section;
- (22) "Structure" means any pier, seawall, boat ramp, boat stall, mooring buoy, or other object constructed over, upon, or attached to the floor of a state lake;
- (23) "Swim Line" means a line or rope with a series of floatation devices used to delineate an area of surface water for the purpose of swimming;
- (24) "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water;
- (25) "Walkway" means the floored area of a pier, excluding a patio, platform, pavilion, and boat stall, used for egress and ingress on the pier; and
- (26) "Waterfront Property" means any real property abutting upon a state lake.

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07 NCAC 13C .0103 CONSTRUCTION
07 NCAC 13C .0104 TERRITORIAL SCOPE

History Note: Authority G.S. 113-35;
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 Transferred from 15A NCAC 12C .0103, .0104 Eff. April 1, 2017.

07 NCAC 13C .0105 PERMITS

History Note: Authority G.S. 143B-135.16;
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 Repealed Eff. February 1, 2023.

SECTION .0200 - COMMERCIAL ENTERPRISES

07 NCAC 13C .0201 COMMERCIAL ENTERPRISES AND ACTIVITIES

No person shall engage in any business, or erect any building or other structure for commercial purposes in or upon any state lake or within or upon any structure on or attached to the floor of any state lake, except as authorized:

- (1) by a permit issued in accordance with 07 NCAC 13B .0104;
- (2) under a long-term contract with the State; or
- (3) by the rules of this Subchapter.

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;

*Transferred from 15A NCAC 12C .0201 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.*

07 NCAC 13C .0202 SCIENTIFIC OR EDUCATIONAL RESEARCH AND NONCOMMERCIAL ACTIVITIES

No person shall engage in scientific or educational research, as defined in 07 NCAC 13B .0104(f), or any noncommercial activity listed in 07 NCAC 13B .0104(b) and (d) in or upon a state lake without a permit issued under 07 NCAC 13B .0104.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0202 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.*

07 NCAC 13C .0203 COMMERCIAL ACTIVITIES IN OR UPON STATE LAKES

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0203 Eff. April 1, 2017;
Repealed Eff. February 1, 2023.*

SECTION .0300 - CONSTRUCTION AND USE OF PIERS AND OTHER STRUCTURES ON STATE LAKES

07 NCAC 13C .0301 STATE LAKE PERMITS

- (a) No structure shall be built upon the floor of, erected in, or floating upon any state lake without a state lake permit.
- (b) Applications for a state lake permit may be made by submitting a completed application to the park office that manages the state lake which will be the subject of the permit.
- (c) The following uses of Division property, as defined in 07 NCAC 13B .0101(2), on a state lake shall require a state lake permit authorized by the Division:
 - (1) initial construction of a structure;
 - (2) major modification of an existing structure; and
 - (3) transfer of ownership rights or interest in an existing structure.
- (d) State lake permits shall be available only to the following classes of persons and only for the state lake appurtenant to the applicant's property interest:
 - (1) owners of waterfront property;
 - (2) owners of an exclusive right to use waterfront property; and
 - (3) towns, municipalities, or county governments at a public beach or at the end of a dedicated street abutting upon the waters of a state lake.
- (e) Applicants shall obtain an approved state lake permit signed by the Park Superintendent or his or her designee prior to beginning construction or major modification of a structure. A completed application for a state lake permit shall include the following information:
 - (1) the name, permanent address, and phone number of the applicant;
 - (2) the address of the waterfront property for which the permit is requested;
 - (3) the name, address, and phone number of a pier agent, if applicable;
 - (4) a written description of the structure for which the permit is desired, or if the structure already exists, the modification to be made to the structure;
 - (5) a drawing, photograph, diagram, or other illustration depicting the structure for which the permit is requested. The drawing, photograph, diagram, or other illustration shall locate the structure relative to the waterfront property which gives rise to the right to apply for the permit and show compliance with the requirements of Rule .0303 of this Section. If the application is for modification of an existing structure, the applicant shall also locate in the drawing, photograph, diagram or other illustration the proposed modification with respect to the existing structure. The Division may request the applicant to provide professional drawings created by a licensed engineer or architect if the Division is not able to determine if the structure will comply with the

rules of this Subchapter from the submitted drawing, photograph, diagram or other illustration; and

- (6) a copy of the waterfront-property deed to which the structure would be appurtenant, or if the structure is not to be attached to the waterfront property at the water line, the waterfront property which gives rise to the right to apply for the permit. If the applicant does not own the property, applicant shall also provide proof of the applicant's property rights which authorize them to apply for the permit.

(f) Except as prohibited in Rule .0407(h) of this Subchapter, applicants shall obtain an approved state lake permit transfer signed by the Park Superintendent or his or her designee in order to transfer any permit for a structure permitted under these Rules. A completed application to transfer a state lake permit shall include the following information:

- (1) the name, permanent address, and phone number of the transferee;
- (2) the address of the waterfront property for which the permit is requested;
- (3) the permit number of the structure for which the permit transfer is requested;
- (4) the name, address, and phone number of the transferor;
- (5) the name, address, and phone number of a pier agent, if applicable; and
- (6) proof of the conveyance, devise, or other mode of transfer of title to the property giving rise to the right to the permit.

(g) The Park Superintendent or their designee shall issue a state lake permit on receipt of a completed application unless:

- (1) the construction, modification, or transfer will threaten the health or safety of persons using the state lake;
- (2) the construction, modification, or transfer would be detrimental to the protection or use of state property;
- (3) the construction, modification, or transfer would constitute a violation of applicable law or rule;
- (4) the applicant has an outstanding balance resulting from unpaid state lake permit fees; or
- (5) the construction or modification of the structure does not comply with the rules of this Subchapter.

(h) All structures permitted under this Rule shall be subject to the following additional provisions:

- (1) No structure or any portion thereof, except boat ramps, shall be located closer than 15 feet from the corners of the property for which the structure is permitted. Where adjoining waterfront properties do not conform to the 15-foot requirement, the owners of said property shall submit an application for a joint private state lake permit, including a copy of a written agreement between the property owners to share the structure, and request a waiver of the 15-foot requirement from the Division. The Division shall waive the 15-foot requirement unless a safety hazard would be created by permitting the structure or granting the waiver would create noncompliance with the rules of this Subchapter;
- (2) No structure may be located within 25 feet of another structure, except a seawall;
- (3) Permit holders shall not collect any charges or fees for the use of structures that are permitted under private, joint private, or public state lake permits, except for a homeowner association in accordance with Rule .0407(e) of this Subchapter;
- (4) Boats shall not be moored or tethered to a boat ramp;
- (5) Swim lines shall require a Special Activity Permit issued in accordance with 07 NCAC 13B .0104(d)(7);
- (6) All permitted structures shall prominently display the structure's assigned permit number at all times; and
- (7) The following items shall not be stored or installed in storage boxes, lofts, and compartments on any structure:
 - (A) electrical appliances or their components;
 - (B) fireworks or other explosives; or
 - (C) gasoline, oil, or any other petroleum-based or hazardous materials.

(i) All structures which meet the following requirements shall be considered non-conforming structures:

- (1) existed on February 1, 1974;
- (2) are not conforming to permissible structural dimensions, as set forth in Rule .0303 of this Section, at the time of the adoption of this Rule; and
- (3) have previously been permitted by the Division.

Notwithstanding Paragraph (k) of this Rule, non-conforming structures shall continue to be permitted as long as the structure is not the subject of a major modification. If a non-conforming structure is subject to a major modification, then the entire structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section. Should a non-conforming structure be destroyed or substantially damaged (greater than 50 percent or more of the existing structure) from any causes, the structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section.

(j) All permits issued in accordance with this Rule are valid for one year from the date of issuance. Permit holders shall renew their state lake permits on an annual basis to remain valid. All permit fees shall be paid at the time of issuance or renewal in order for the permit to remain valid.

(k) Permits issued in accordance with this Rule may be revoked by the Division for one or more of the following reasons:

- (1) failure to pay any permit fee within 60 days after the due date thereof; or
- (2) failure to bring a permitted structure into compliance with rules of this Subchapter, unless excepted under Paragraph (i) of this Rule, or with any term or condition imposed by the permit within 30 days after receipt of a notice from the Division setting forth the corrective measures, in accordance with Rule .0315 of this Section.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
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07 NCAC 13C .0302 STRUCTURES PROHIBITED ON CERTAIN STATE LAKES

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0302 Eff. April 1, 2017;
Repealed Eff. February 1, 2023.*

07 NCAC 13C .0303 PERMISSIBLE STRUCTURAL DIMENSIONS

Dimensions of a structure shall include all attachments to the structure, including lifts and floating docks. In order to be eligible for permit approval, all structures in or on state lakes shall conform to within the following structural dimensions:

- (1) Commercial Piers. Maximum measurements for a commercial pier shall be as follows:
 - (a) walkways, 16 feet wide;
 - (b) length of pier, 375 feet;
 - (c) platform, pavilion; 32 feet in width;
 - (d) platform, pavilion; 50 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark.
- (2) Private Piers. Maximum measurements for a private pier shall be as follows:
 - (a) walkways, 8 feet wide;
 - (b) length of pier, 225 feet;
 - (c) platform, pavilion; 20 feet in width;
 - (d) platform, pavilion; 32 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark;
- (3) Joint Private Piers. Maximum measurements for a joint private pier shall be as follows:
 - (a) walkways, 16 feet wide;
 - (b) length of pier, 225 feet;
 - (c) platform, pavilion; 32 feet in width;
 - (d) platform, pavilion, 50 feet in length;
 - (e) patio, 20 feet in length extending towards the water from the mean high water mark.
- (4) Public Piers. Maximum measurements for a public pier shall be as follows:
 - (a) walkway, 16 feet wide;
 - (b) length of pier, 225 feet;
 - (c) platform, pavilion; 32 feet in width;
 - (d) platform, pavilion; 50 feet in length;

- (e) patio, 20 feet in length extending towards the water from the mean high water mark.
- (5) Boat Ramps. No boat ramp shall exceed 25 feet in length nor 25 feet in width.
- (6) Boat Slips. A private pier shall not exceed one boat slip. The dimension of the boat slip shall not exceed 32 feet in length by 12 feet in width. Boat slips are prohibited on joint private, public, and commercial piers.
- (7) Overall structure height may not exceed 15 feet above the floor level, with the exception of flag poles, semaphores, and light poles which may extend to a height of 20 feet above the floor level.

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;
 Transferred from 15A NCAC 12C .0303 Eff. April 1, 2017;
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07 NCAC 13C .0304 LIMITS ON ELEVATED STRUCTURES
07 NCAC 13C .0305 PERMITS FOR STRUCTURES EXISTING AS OF FEBRUARY 1, 1974
07 NCAC 13C .0306 FEES

History Note: Authority G.S. 143B-135.16;
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 Amended Eff. April 4, 1979;
 Temporary Amendment Eff. August 12, 1991 For a Period of 180 Days to Expire on February 8, 1992;
 Amended Eff. March 1, 1992; August 1, 1998;
 Transferred from 15A NCAC 12C .0304, .0305, .0306 Eff. April 1, 2017;
 Repealed Eff. February 1, 2023.

07 NCAC 13C .0307 CONDITION OF STRUCTURES

- (a) All structures must be maintained in accordance with applicable state and local fire and building codes and regulations.
- (b) Permit holders shall make their respective structures available for inspection by the Division to ensure compliance with the terms and conditions of their permit and the Rules of this Subchapter. Within 60 days of the date of inspection, a notice of the results of such inspection shall be sent to the permit holder. This notice shall indicate either that the structure is in compliance with the permit and the Rules of this Subchapter or, if not, shall specify:
 - (1) what noncompliance issues are noted;
 - (2) the rules or statutes that give rise to the noncompliance; and
 - (3) what corrective actions are required in order to come into compliance.

Corrective actions shall include providing proof of inspection by a licensed inspector with regard to any structural or electrical components of the structure within 60 days of the delivery of notice to the permit holder.

- (c) Permit holders shall provide proof of inspection by a licensed inspector with regard to any structural or electrical components of their structure to the Division within 60 days of completion of construction or modification of a structure that is the subject of a permit for initial construction of a structure or major modification of an existing structure.

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;
 Transferred from 15A NCAC 12C .0307 Eff. April 1, 2017;
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07 NCAC 13C .0308 OBSERVANCE OF REGULATIONS

History Note: Authority G.S. 113-35;
 Eff. February 1, 1976;
 Repealed Eff. October 1, 1984;
 Transferred from 15A NCAC 12C .0308 Eff. April 1, 2017.

07 NCAC 13C .0309	ELIGIBILITY FOR PERMITS
07 NCAC 13C .0310	REVOCAION OF PERMITS
07 NCAC 13C .0311	APPLICATION FOR STRUCTURAL PERMITS
07 NCAC 13C .0312	PERMITS FOR STRUCTURES EXISTING ON FEBRUARY 1, 1974
07 NCAC 13C .0313	LIABILITY
07 NCAC 13C .0314	RIGHT OF ENTRY RESERVED

History Note: Authority G.S. 143B-135.16;
 Eff. February 1, 1976;
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 Transferred from 15A NCAC 12C .0309, .0310, .0311, .0312, .0313, .0314 Eff. April 1, 2017;
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 Repealed Eff. February 1, 2023.

07 NCAC 13C .0315 APPLICATION DENIAL AND PERMIT REVOCATION PROCEDURES

(a) Before revoking any state lake permit under these Rules, the Division shall give written notice of its intent to revoke to the permit holder by U.S. mail or electronic mail at the address provided by the permit holder on the permit application. Upon the denial of any application for a state lake permit under these Rules, the Division shall give written notice of its action to the applicant by U.S. mail or electronic mail at the address provided by the applicant on the application.

(b) The notice required by Paragraph (a) of this Rule shall contain the following:

- (1) facts:
 - (A) in the case of a state lake permit revocation, the facts relied upon by the Division to support its intended revocation; and
 - (B) in the case of a state lake permit application denial, the facts relied upon as the basis for the denial;
- (2) rules: the rules or statutes under which the Division acts or intends to act;
- (3) corrective action: a statement of the corrective action, if any action is possible, to bring the permit holder, or applicant's application, into compliance. In the case of a permit revocation for failure to pay a fee in the time provided, late payment, including payment of any additional late fees, shall constitute corrective action;
- (4) final date: the date on which the revocation or denial shall become final if the permit holder or applicant does not request a hearing in accordance with Chapter 150B, Article 3, of the North Carolina General Statutes, and 26 NCAC 03. The final date shall be no sooner than the 61st day after service of notice on the permit holder or applicant;
- (5) right to a hearing: a statement informing the permit holder or applicant of the right, the procedure, and the time limit to file a contested case petition made in accordance with Chapter 150B, Article 3 of the North Carolina General Statutes, and 26 NCAC 03; and
- (6) failure to exhaust remedies: a statement that the failure to request a hearing in the form, manner, and time required by Chapter 150B, Article 3 of the North Carolina General Statutes, and 26 NCAC 03 constitutes a failure to exhaust all administrative remedies and shall preclude judicial review under G.S. 150B of any denial or revocation by the Division.

History Note: Authority G.S. 143B-135.16; 150B-23;
 Eff. February 1, 1976;
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07 NCAC 13C .0316 ENFORCEMENT

History Note: Authority G.S. 113-35;
 Eff. February 1, 1976;
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SECTION .0400 - MISCELLANEOUS STATE LAKES REGULATIONS

07 NCAC 13C .0401	DISPOSAL OF REFUSE: GARBAGE: ETC.
07 NCAC 13C .0402	HUNTING
07 NCAC 13C .0403	FIREARMS
07 NCAC 13C .0404	EXPLOSIVES
07 NCAC 13C .0405	AVIATION

History Note: Authority G.S. 113-35;
Eff. February 1, 1976;
Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 12C .0401-.0405 Eff. April 1, 2017.

07 NCAC 13C .0406 WATER LEVEL; DISCHARGE

- (a) No person shall in any way damage or alter drainage ditches, drainage gates, or any other outlet from or inlet to a state lake; nor in any way change the water level of a state lake.
- (b) No person shall discharge any of the following into a state lake:
- (1) wastewater, stormwater or anything that causes water pollution, as defined in G.S. 143-213;
 - (2) other unfiltered or untreated drainage; or
 - (3) fill material, including sand, rock, or gravel, except as permitted pursuant to the rules of this Subchapter.

History Note: Authority G.S. 143B-135.16;
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Transferred from 15A NCAC 12C .0406 Eff. April 1, 2017;
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07 NCAC 13C .0407 MOORING BUOYS

- (a) No stakes, poles, or posts shall be driven or placed into the floor of any state lake for any purpose, except to anchor a structure permitted by the Division pursuant to Rule .0301 of this Subchapter.
- (b) No mooring buoy shall be placed outside any posted no wake zone or, where a posted no wake zone does not exist, placed farther than 375 feet from the shore of the waterfront property for which the mooring buoy is permitted in accordance with Rule .0301 of this Subchapter.
- (c) The Division may authorize the temporary placement of mooring buoys for recreational purposes, such as shows, tournaments, and other recreational activities, through the Special Activity Permit process outlined in 07 NCAC 13B .0104.
- (d) Except as permitted in Paragraph (e) of this Rule, waterfront property owners may apply for and hold permits for no more than two mooring buoys.
- (e) Commercial waterfront property owners and homeowner associations may apply for and hold permits for more than two mooring buoys, in accordance with Rule .0301 of this Subchapter. All mooring buoys within the projected property lines of the permit holder must be owned and paid for by the waterfront property owner or homeowner association.
- (f) Mooring buoys are private property that shall be the responsibility of the owner to maintain. Maintaining a mooring buoy shall mean ensuring that the mooring buoy remains in working order, free of rust or damage, and securely fastened to the lake floor.
- (g) In addition to the requirements of Rule .0301(h)(6) of this Subchapter, all permitted mooring buoys shall display the permit holder's full name and phone number at all times or the buoy shall be subject to removal by the Division.
- (h) Transfer of a state lake permit for a mooring buoy shall not be permitted.
- (i) When a state lake permit for a mooring buoy is terminated, the permit holder shall remove the mooring buoy from the state lake.

History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;

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2018;
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07 NCAC 13C .0408 STATE PARKS REGULATIONS

*History Note: Authority G.S. 143B-135.16;
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2018;
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07 NCAC 13C .0409 INFORMATION

*History Note: Authority G.S. 143B-135.16;
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