



## NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Department of Natural and Cultural Resources](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdcr.gov/request-public-comments>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION: [07 NCAC 14B .0608-.0609](#)

AMENDMENT: [07 NCAC 14B .0403](#)

REPEAL: [07 NCAC 14B .0404](#)

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [08/01/2023](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">06/13/2023</a>	<a href="#">1:00PM - 2:00PM</a>	<a href="#">This public hearing will be held by teleconference at (919) 814-6771 (no access code needed)</a>

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):**

The following rules are being amended to reflect current operating procedures of the managing state agency: 07 NCAC 14B .0403.  
The following rules are being adopted and updated to reflect current Zoo operations: 07 NCAC 14B .0608; 07 NCAC 14B .0609.  
The following rules are being repealed because they are no longer necessary because of proposed changes in the amended rules: 07 NCAC 14B .0404.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: [Jonathan Avery](#)  
Address: [4601 Mail Service Center](#)  
[Raleigh, NC 27699-4601](#)  
Phone (optional): [919-814-6771](#)  
Fax (optional):  
EMail (optional) [jonathan.avery@ncdcr.gov](mailto:jonathan.avery@ncdcr.gov)

**10. Comment Period Ends: [06/16/2023](#)**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

[No fiscal note required](#)

**12. Rule-making Coordinator:**

Name: [Jonathan C. Avery](#)  
[919-814-6771](#)  
[jonathan.avery@ncdcr.gov](mailto:jonathan.avery@ncdcr.gov)

**Agency contact, if any:**

Name: [Phil Feagan](#)  
Phone: [919-814-6763](#)  
Email: [phil.feagan@ncdcr.gov](mailto:phil.feagan@ncdcr.gov)

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** [03/23/2023](#)

1 07 NCAC 14B .0403 is proposed for amendment as follows:

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3 **07 NCAC 14B .0403 FIRES; LIGHTED CIGARETTES; ETC. ~~SMOKING AND FIRES~~**

4 ~~All fires except for personal smoking materials are prohibited except in designated areas. A competent person 16~~  
5 ~~years old or older must continuously tend any fire from the time it is kindled until it is extinguished.~~

6 (a) Smoking, vaping or the use of similar devices or materials is prohibited on Zoo property except where  
7 designated through posted signage.

8 (b) Starting or maintaining a fire on Zoo property is prohibited except as part of an organized Zoo program.

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10 *History Note: Authority G.S. 143B-135.204(a);*

11 *Eff. February 1, 1976;*

12 *Transferred w/change from T15.12E Eff. August 1, 1982;*

13 *Amended Eff. October 1, 1984;*

14 *Transferred from 15A NCAC 22B .0403 Eff. April 1, 2017;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*  
16 *~~2018-2018;~~*

17 *Amended Eff. August 1, 2023.*

1 07 NCAC 14B .0404 is proposed for repeal as follows:

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3 **07 NCAC 14B .0404 SMOKING**

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5 *History Note: Authority G.S. 143B-135.204(a);*

6 *Eff. February 1, 1976;*

7 *Transferred w/change from T15.12E Eff. August 1, 1982;*

8 *Transferred from 15A NCAC 22B .0404 Eff. April 1, 2017;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*

10 *~~2018-2018;~~*

11 *Repealed Eff. August 1, 2023.*

1 07 NCAC 14B .0608 is proposed for adoption as follows:

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3 **07 NCAC 14B .0608 ROCK CLIMBING**

4 (a) Rock climbing, bouldering, or rappelling is prohibited except in areas designated by the Zoo Director or their  
5 designee. The Zoo Director or their designee may designate a daily capacity limit for specific climbing routes and  
6 bouldering areas based on public safety and the protection and use of state property.

7 (b) A Day-Use Climbing Permit is required for each individual participating in climbing, rappelling, and bouldering  
8 on Zoo property. Applications for permits may be made at [www.nczoo.org](http://www.nczoo.org). A completed Day-Use Climbing Permit  
9 shall include the following information:

- 10 (1) the permittee's name, address, and contact information;  
11 (3) the permittee's expected time to return to their vehicle;  
12 (4) the permittee's vehicle registration number and state of vehicle registration;  
13 (5) name and contact information of an emergency contact; and  
14 (6) signature indicating agreement to abide by the terms and conditions of the permit.

15 (c) Day-Use Climbing Permits shall be issued upon receipt of a completed application unless:

- 16 (1) the daily capacity limit for a specific climbing route or area has been reached prior to receipt of the  
17 completed application;  
18 (2) the activity would be detrimental to the protection and use of state property or threaten the health  
19 or safety of the public; or  
20 (3) The activity or use would constitute a violation of applicable law or the rules of this Subchapter.

21 (d) The permit may contain such additional conditions or restrictions as are consistent with protection and use of the  
22 Zoo and public safety and health.

23 (e) If a permit is denied, the applicant shall be informed in writing with the reason(s) for the denial set forth.

24 (f) Permittees shall maintain a copy of their signed Day-Use Climbing Permit with them at all times while on Zoo  
25 property.

26 (g) The following prohibitions shall apply to rock climbing on Zoo property:

- 27 (1) The installation of permanent or fixed rock climbing anchors, such as pitons and expansion bolts,  
28 is prohibited;  
29 (2) Chipping or gluing holds onto the rock face is prohibited;  
30 (3) The removal of rock from its natural position is prohibited except where failure to remove the rock  
31 poses a risk to public safety and such removal has been approved by the Zoo Director or their  
32 designee; and  
33 (4) The intentional removal of vegetation to clean a climbing route is prohibited.

34 (h) Violation of the terms and conditions of a Day-Use Climbing permit issued in accordance with this Section is  
35 prohibited and shall result in the revocation of the permit and removal of the violator from Zoo property.

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37 History Note: Authority G.S. 143B-135.204(a).

1 07 NCAC 14B .0609 is proposed for adoption as follows:

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3 **07 NCAC 14B .0609 TRAIL ACCESS AND ACTIVITIES**

4 (a) Public access to Zoo property, including all hiking trails, is available only between opening and closing hours  
5 as posted at [www.nczoo.org](http://www.nczoo.org).

6 (b) Public use of hiking trails on Zoo property shall be limited to each trail's designated uses as posted. The  
7 Division may prohibit or restrict public activity occurring on Zoo property if such activity would be detrimental to  
8 the protection and use of state property or threaten the health or safety of the public.

9 (c) A person using Zoo property located outside of the perimeter fence must remain on the marked trails or in a  
10 designated climbing area at all times.

11 (d) Use of bicycles, all-terrain vehicles, dirt bikes, golf carts, go-karts, scooters, skateboards, and other similar  
12 conveyances is prohibited on Zoo property outside of a trail designated for such use. Public use of motorized  
13 vehicles is prohibited on Zoo property except on public roads and designated parking areas.

14 (e) Horseback riding is prohibited on Zoo property outside of a trail designated for such use.

15 (f) The following activities are prohibited on Zoo property:

16 (1) Hunting;

17 (2) Littering; and

18 (3) Camping, except through a Zoo organized camping program.

19 (g) Public use of Ridges Mountain trails is available only by a reservation approved by the Zoo Director or their  
20 designee. Reservations shall be approved unless such use would be detrimental to the protection and use of state  
21 property or threaten the health or safety of the public. A completed reservation request shall include the following:

22 (1) Requestor's name and contact information;

23 (2) The name of an organization or group coordinating the use;

24 (3) The number of users;

25 (4) The date of the requested use; and

26 (5) The intended use.

27 (h) Pets, except as required by applicable federal and state law for service animals assisting individuals with  
28 disabilities, are not permitted on the Ridges Mountain property.

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31 History Note: Authority G.S. 143B-135.204(a).