Hey,

Your NCBIWA and CRC presentation has gained all the local interest! Regarding parking and CSDR, please see our counsel’s opinion below.
Please share with your staff and Commission members as you deem fit.

L.

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From: Burpeau, Kemp <KBurpeau@nhcgov.com>
Sent: Friday, May 14, 2021 2:22 PM
To: Bedsole, Layton <lbedsole@nhcgov.com>; Buckland, Tim <tbugckland@nhcgov.com>
Subject: Legal Interpretation private

You have asked for my interpretation of 15A NCAC 07M .0303, Standards for Public Access. It is my legal opinion that the language in subsection (c) of referenced administrative rule stating “...fees are used exclusively for operation and maintenance, or provision of new public access” does not mandate that said fees be used solely for public access maintenance, management or new public access. The administrative language as adopted is sufficiently broad to cover general, generic operation and maintenance not associated with public access. In the event the DCM or CRC did in fact intend to limit expenditure of such fees only to public access, the adopted language is unduly ambiguous to accomplish such a curtailed reading.
Please contact me with any questions.
Kemp Burpeau

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