

G.S. 150B-21.3A Report for 21 NCAC 20, BOARD OF REGISTRATION FOR FORESTERS											
Agency - Board of Registration for Foresters											
Comment Period - 08/01/2014 through 10/07/14											
Date Submitted to APO - Filled in by RRC staff - November 24, 2014											
Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - PURPOSE	21 NCAC 20 .0101	PURPOSE OF PROGRAM	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0102	CONTACTING THE BOARD	Amended Eff. February 1, 1985	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0103	QUALIFICATIONS FOR REGISTRATION	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	21 NCAC 20 .0104	EXAMINATIONS	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	21 NCAC 20 .0105	REFERENCES	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0106	REGISTRATION FEES	Amended Eff. August 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0107	INCOMPLETE APPLICATIONS	Amended Eff. May 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0108	DELINQUENT FEES	Amended Eff. August 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0109	REGISTRATION CARD	Amended Eff. August 1, 2010	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	21 NCAC 20 .0110	REGISTRATION SEAL	Amended Eff. May 1, 1989	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	21 NCAC 20 .0111	REGISTRATION CERTIFICATE	Amended Eff. February 1, 1985	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0112	REGISTRATION REPLACEMENTS	Eff. February 1, 1976	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	21 NCAC 20 .0113	REJECTIONS	Amended Eff. May 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0114	RE-REGISTRATION	Amended Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0115	CODE OF ETHICS	Amended Eff. September 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0116	REVOCATION OR SUSPENSION	Amended Eff. May 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	21 NCAC 20 .0117	RECIPROCITY	Amended Eff. August 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0118	REGISTERED FORESTERS	Amended Eff. May 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0120	CERTIFICATION OF CONSULTING FORESTERS	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0121	REJECTION OF CONSULTANT AFFIDAVIT	Eff. November 1, 1993	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0122	HANDLING OF COMPLAINTS	Amended Eff. August 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0123	CONTINUING EDUCATION	Amended Eff. August 1, 2010	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0124	COMPLIANCE WITH ANNUAL REPORTS REQUIREMENTS	Eff. August 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0125	PETITION FOR RULE-MAKING	Eff. September 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 20 .0126	DECLARATORY RULINGS: AVAILABILITY	Eff. August 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

## Comments to NC State Board of Registration for Forester Rules

8/14/2014 [https://webmail04.register.com/promail/src/printer\\_friendly\\_main.php?passed\\_ent\\_id=0&mailbox=INBOX&passed\\_id=7185&view\\_unsafe\\_images=](https://webmail04.register.com/promail/src/printer_friendly_main.php?passed_ent_id=0&mailbox=INBOX&passed_id=7185&view_unsafe_images=)  
From: TONY.WEBB@TOUCHNC.NET  
Subject: Rule Comment:0103 Qualifications for Registration  
Date: Sat, August 9, 2014 4:18 pm  
To: info@ncbrf.org

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Rule Comment: 0103 Qualifications for Registration

From: JOSIAH A WEBB III

Company/Organization: WEBB LAND & TIMBER SERVICES, INC.

E-mail: TONY.WEBB@TOUCHNC.NET

Zip-Code: 27932

Classification Selected: Agree with the Board

Comment: WOULD LIKE TO SEE THE PROCESS FOR RENEWAL STREAMLINED. LIKE SOME OTHER CONSULTANTS, I AM ALSO A LICENSED SURVEYOR AND REAL ESTATE BROKER. REQUIREMENTS FOR RENEWAL IN EACH OF THOSE CASES IS MUCH SIMPLER THAN THAT OF THE REGISTERED FORESTER/CONSULTANT. FOR STARTERS, BOTH CAN BE COMPLETED ONLINE AND NEITHER REQUIRES A NOTARIZED SIGNATURE WITH EACH YEAR'S RENEWAL. THAT REQUIREMENT, IN PARTICULAR, SEEMS TO SUGGEST THAT THE BOARD QUESTIONS THE INTEGRITY OF THE APPLICANT.

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Response to Tony Webb's comment (He agreed with the Board)

### 0103 Qualifications for Registration

Pursuant NC General Statute 89B-2 & 89B-11, which requires the NC Registered Forester that wishes to be listed as a consulting forester "Has filed annually an affidavit with the Board in accordance with G.S. 89B-14(b)." Also, the NC Registered Foresters have to follow the Board Rules for registration and renewal and are not combined with other agencies renewal procedures. Thank you for taking the time to review the rules that govern our Board.

From: mkeegan@alumni.duke.edu  
Subject: Rule Comment:0109 Registration Cards  
Date: Tue, September 23, 2014 12:03 pm  
To: info@ncbrf.org

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Rule Comment: 0109 Registration Cards

From: Marian Keegan

Company/Organization: Hemlock Farms Community Association

E-mail: mkeegan@alumni.duke.edu

Zip-Code: 18457

Classification Selected: Agree with the Board

Comment: Will Registration Cards continue to be available on request? If not, the Board should be vigilant about informing members when their renewals are approved and registrants should be encouraged to check the Board\'s website to insure that they are listed. Therefore, a Registered Forester can be confident when referring the Public to the Board\'s website to confirm registration.

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Response to Marian Keegan\'s comment (She agreed with the Board)

0109 – Registration Cards

Pursuant NC General Statute 89B-6, the Board will continue to offer registration cards upon request.

From: philip.weigel@btgpactual.com  
Subject: Rule Comment:0110 Registration Seal  
Date: Thu, August 21, 2014 10:44 am  
To: info@ncbrf.org

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Rule Comment: 0110 Registration Seal

From: Philip Weigel

Company/Organization: BTG Pactual

E-mail: philip.weigel@btgpactual.com

Zip-Code: 27842

Classification Selected: Agree with the Board

Comment: inserting a pdf symbol of the RF # should be an appropriate substitute for a rubber stamp

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Response to Philip Weigel's comment (He agreed with the Board)

0110 – Registration Seal

The Board is going to look into creating a pdf or electronic version of the registration seal for NC Registered Foresters to use. Thank you for taking the time to review the rules that govern our Board.

From: mkeegan@alumni.duke.edu  
Subject: Rule Comment:0110 Registration Seal  
Date: Tue, September 23, 2014 12:07 pm  
To: info@ncbrf.org

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Rule Comment: 0110 Registration Seal

From: Marian Keegan

Company/Organization: Hemlock Farms Community Association

E-mail: mkeegan@alumni.duke.edu

Zip-Code: 18457

Classification Selected: Necessary with substantive public interest

Comment: Are Registration Seals no longer used by other licensed/registered professionals, such as engineers? If so, I disagree with the Board that this is unnecessary. If not, then I agreed with the Board; however, Registered Foresters should have the option of purchasing a seal. If a form of documentation other than a seal is used by professionals, then the Board should launch an educational effort to inform Registered Foresters and the Public what is common practice.

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Response to Marian Keegan's comment (She thought Necessary with substantive public interest)

#### 0110 – Registration Seal

Pursuant NC General Statute 89B – 6, “The Board shall adopt an official seal. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.” The Board will continue the seal and encourage NC Registered Foresters to do the same.



From: mkeegan@alumni.duke.edu  
Subject: Rule Comment:0111 Registration Certificate  
Date: Tue, September 23, 2014 12:11 pm  
To: info@ncbrf.org

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Rule Comment: 0111 Registration Certificate

From: Marian Keegan

Company/Organization: Hemlock Farms Community Association

E-mail: mkeegan@alumni.duke.edu

Zip-Code: 18457

Classification Selected: Agree with the Board

Comment: It seems that the changes to the Rules 109, 110 and 111 revolve around reducing paperwork and the increased use of internet sources to check credibility. If so, I agree with the Board's intent to keep up with common practices of the Public and professionals. If the Board will no longer issue a paper "Certificate" and only issue a "Number", then the title of this Rule should change because include the word "certificate" in the Rule Title is confusing.

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Response to Marian Keegan's comment (She agreed with the Board)

0111 – Registration Certificate

Pursuant NC General Statute 89B-6;B-13, the Board will provide the registrant with a certificate upon registration. Thank you for taking the time to review the rules that govern our Board.

From: cjslts1@bellsouth.net  
Subject: Rule Comment:0120 Certification of Consulting Foresters  
Date: Mon, August 11, 2014 10:33 pm  
To: info@ncbrf.org

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Rule Comment: 0120 Certification of Consulting Foresters

From: Cecil J. Saunders, Jr.

Company/Organization: C.J. Saunders Land, Timber & Surveying

E-mail: [cjslts1@bellsouth.net](mailto:cjslts1@bellsouth.net)

Zip-Code: 28655

Classification Selected: Necessary with substantive public interest

Comment: The purpose of the affidavit is ostensibly to prevent industry employed foresters from abusing a salaried position by misrepresenting themselves in timber procurement. However, this restriction is made on the CONSULTANT S ONLY. I know of many instances where industry-employed foresters have performed timber estimate, timber trespass evaluation and other services FOR PRIVATE LANDOWNERS FOR A FEE by \"moonlighting\" from their jobs. I respectfully as why there is not a rule to prevent salaried, industry-employed foresters from competing with certified consulting foresters for this activities while those industry or government foresters are engaged in timber procurement or government work? It seems that there is no mechanism for this or even a rule to prevent it. If an industry foresters can consult, with impunity, for a fee, why then is a consultant restricted from timber procurement and buying and reselling timber on his own?

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#### Response to Cecil Saunders' comment (Necessary with substantive public interest)

##### 0120 – Certification of Consulting Foresters

Pursuant NC General Statute 89B, requires consulting foresters to file the annual affidavit, and the Board is not allowed to change this law. Through the current law and the affidavit, the public may determine that consulting (registered) foresters are more highly qualified to render services without a conflict of interest, as compared to individuals that are not classified as consulting foresters. The law is not intended to serve the interests of consulting foresters.



From: tagjoe@earthlink.net  
Subject: Rule Comment:0123 Continuing Education  
Date: Wed, August 27, 2014 2:04 pm  
To: info@ncbrf.org

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Rule Comment: 0123 Continuing Education

From: Ted A. Graham, RF 441

Company/Organization: Bristol Industries

E-mail: tagjoe@earthlink.net

Zip-Code: 28761

Classification Selected: Agree with the Board

Comment: Instead of 10 hours per year it would make more sense to be 50 hours with a 5 year time limit to earn the credits. This is the exact same hourly requirement, but the expanded time limit would enable the RF to take courses more in line with individual needs and interests rather than taking classes that mean little to him just to get the credits in on time. The expanded time limit would enable the RF to take desirable courses that might not be available to him every year. Thank You.

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Response to Ted Graham's comment (Agree with the Board)

0123 Continuing Education

Pursuant NC General Statute 89B-11(B), the Board is following the requirements set forth by the statute for continuing education. Thank you for taking the time to review the rules that govern our Board.

From: cjslts1@bellsouth.net  
Subject: Rule Comment:0123 Continuing Education  
Date: Mon, August 11, 2014 10:25 pm  
To: info@ncbrf.org

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Rule Comment: 0123 Continuing Education

From: Cecil J. Saunders, Jr.

Company/Organization: C.J. Saunders Land, Timber & Surveying

E-mail: cjslts1@bellsouth.net

Zip-Code: 28655

Classification Selected: Agree with the Board

Comment: I believe that the Board should, based upon LONG STANDING PRECEDENT of other Boards in this State, allow the carry over of several (I suggest five (5)) units of continuing education from one year to another. This is not too complicated, for most foresters will adhere to this voluntarily, and it allows a greater latitude in continuing education for registrants.

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Response to Cecil Saunders' comment (Agree with the Board)

0123 – Continuing Education

Pursuant NC General Statute 89B-11(B), there is no provision for carryover of hours for the renewal period. Thank you for taking the time to review the rules that govern our Board.

From: Robert.C.Dennis@usace.Army.Mil  
Subject: Rule Comment:0123 Continuing Education  
Date: Wed, August 13, 2014 12:38 pm  
To: info@ncbrf.org

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Rule Comment: 0123 Continuing Education

From: Robert Dennis

Company/Organization: US Army Corps of Engineers

E-mail: [Robert.C.Dennis@usace.Army.Mil](mailto:Robert.C.Dennis@usace.Army.Mil)

Zip-Code: 23917

Classification Selected: Agree with the Board

Comment: You've chosen a \"year\" to mean the State of NC year = July 1 to June 30. This does NOT match up with many other Gov. agencies and private companies. With our annual training cycle and budget, your dates have the effect of me only having a 6 month window to attain my CFEs. A simple solution would be to follow the State of Georgia. They give two years to get 20 hours. Simpler is always better.

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#### Response to Robert Dennis's comment (Agree with the Board)

##### 0123 – Continuing Education

Pursuant NC General Statute 89B-11, the Board is abiding by the process set out in the statute for the renewal time frame and process. Thank you for taking the time to review the rules that govern our Board.

From: waldend@earthlink.net  
Subject: Rule Comment:0123 Continuing Education  
Date: Mon, August 18, 2014 8:57 pm  
To: info@ncbrf.org

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Rule Comment: 0123 Continuing Education

From: Derryl Walden

Company/Organization: N/A

E-mail: waldend@earthlink.net

Zip-Code: 27511

Classification Selected: Agree with the Board

Comment: I recommend a change in section (c) of rule 0123 that will allow those Registered Foresters who verify to the Board that they are fully retired after a career in forestry to continue their registration without having to earn any CFE's as long as they meet all other requirements, including payment of the annual fee. Reason being that many elderly RF's have great difficulty attending training sessions and earning CFE's but do not want to be prohibited from referring to themselves as a forester.

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Response to Derryl Walden's comment (Agree with the Board)

0123 Continuing Education

Pursuant NC General Statute 89B-11(B), the Board is following the requirements set forth by the statute for continuing education. There is a hardship section that has been added to this rule to assist individuals in need. Thank you for taking the time to review the rules that govern our Board.