



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
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Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

September 24, 2018

Jennifer Grantham, Rulemaking Coordinator
Board of Registration for Foresters
Sent via email only to: info@ncrfb.org

Re: Extension of the Period of Review for Rules 21 NCAC 20 .0103 and .0104

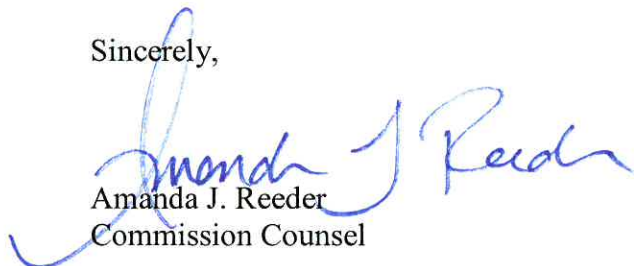
Dear Ms. Grantham:

At its meeting last week, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address requested technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

Should you have any questions regarding the Commission's actions, please let me know.

Sincerely,



Amanda J. Reeder
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
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Clerk's Office
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Rules Review
Commission
919/431-3000
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Civil Rights
Division
919/431-3036
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Burgos, Alexander N

Subject: FW: [External] RRC Request for Technical changes

From: NCBRF [<mailto:info@ncbrf.org>]

Sent: Wednesday, September 05, 2018 2:09 PM

To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>

Cc: Brogan, Sean <sean.brogan@ncagr.gov>

Subject: [External] RRC Request for Technical changes

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.

Amanda,

On behalf of the State Board of Registration for Foresters I would like to request a time extension in order to adequately address the requested technical changes to 21 NCAC 20 .0103 and 0.0104. If this request is approved, please let me know our revised schedule and deadlines.

Jennifer Grantham

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Registration of Foresters

RULE CITATION: 21 NCAC 20 .0103

DEADLINE FOR RECEIPT: Friday, September 7, 2018

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(1), line 6, please properly capitalize "Official" to be consistent with the rest of the list. (Or feel free to make the rest lowercase). To change capitalization, please be sure to strike the entire first word and insert the new one. It will look like this "~~official~~ Official"

In (b)(3), what authority are you relying upon to require "professional" experience in forestry? G.S. 89-9(a)(1) and (2) only refer to experience in forestry. Are you relying upon the definition of "forestry" in G.S. 89-2(2a)? If not, what is "professional"? Will unpaid intern work count?

And what is this proof? Does your regulated public know?

In (c), line 10, this is not the proper way to insert a comma. Punctuation is treated as part of the word that precedes it. So, you'll state "~~G.S. 89B-9(a)(1)~~ G.S. 89B-9(a)(1),"

Also on line 10, this is not the proper way to make these words lowercase. Please strike the words and then replace them. "~~Education Requirements~~ education requirements."

In (d), line 15, what is "verification"? Is it a transcript or a letter? Is this known to your regulated public?

Also on line 15, what are the SAF accreditation standards? Are they the same as the education standards in (c)? If not, you need to incorporate those standards by reference like you did in Paragraph (c).

In the History Note, line 26, please underline "Readopted Eff. October 1, 2018."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 23, 2018

1 21 NCAC 20 .0103 is readopted with changes as published in 32:22 NCR 2497 as follows:

2
3 **21 NCAC 20 .0103 QUALIFICATIONS FOR REGISTRATION**

4 (a) An application may be obtained from the ~~Secretary of the Board~~ Board's website at www.ncbrf.org.

5 (b) An applicant shall submit an application to the ~~Secretary Board~~ which that shall include:

- 6 (1) ~~Legible~~ official college transcripts, if applicable;
- 7 (2) Five references as required in Rule .0105 of this Section;
- 8 (3) Proof of professional work experience in forestry; and
- 9 (4) Payment of ~~the~~ application fee as set out in Rule ~~.0107~~ .0106 of this Section.

10 (c) For purposes of G.S. 89B-9(a)(1), a forestry curriculum is a curriculum that satisfies the ~~e~~Education ~~r~~Requirements
11 used by the Society of American Foresters (SAF) to become a Certified Forester. The education requirements of the
12 SAF are hereby incorporated by reference, including subsequent ammendments and editions, and may be accessed
13 at no cost at www.safnet.org.

14 (d) An applicant who holds a forestry degree from a university outside of the United States may qualify for registration
15 if ~~he/she~~ he or she provides verification to the Board ~~which that~~ demonstrates that the degree is equivalent to SAF
16 accreditation standards.

17 ~~The Board may issue a forester in training certificate to an applicant who has completed the education requirement~~
18 ~~in G.S. 89B-9(a)(1). The certificate is Forester-in-training certificates issued pursuant to G.S. 89B-9(b1) shall be valid~~
19 ~~for 4 years. The time period shall be extended by the Board in case of hardship beyond the control of the applicant.~~

20
21 *History Note: Authority G.S. 89B-6; 89B-9;*
22 *Eff. February 1, 1976;*
23 *Amended Eff. May 1, 1989; February 1, 1985;*
24 *Temporary Amendment Eff. March 1, 1999;*
25 *Amended Eff. August 1, 2010; August 1, 2000.*
26 *Readopted Eff October 1, 2018.*
27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Registration of Foresters

RULE CITATION: 21 NCAC 20 .0104

DEADLINE FOR RECEIPT: Friday, September 7, 2018

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), line 8, please remove the comma after "G.S. 89-9(a)(1)" To do so properly, please entirely strike the citation and replace it with a new citation. "~~G.S. 89-9(a)(1)~~ G.S. 89-9(a)(1)."

On lines 9 through 10, the language "tests the applicants' knowledge of forestry approximating that obtained through graduation from a four-year curriculum in forestry" is in G.S. 89-9(a)(2). Do you need to repeat it here?

In (d), line 14, notify the date, location, and time of what? That the exam is scheduled or that they are signed up to take it? I ask given the language on lines 18-19.

In (e), lines 20-21, why do you need this sentence?

In the History Note, line 30, please underline "Readopted Eff. October 1, 2018."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 23, 2018

1 21 NCAC 20 .0104 is readopted as published in 32:22 NCR 2497 as follows:

2
3 **21 NCAC 20 .0104 EXAMINATIONS**

4 (a) ~~The comprehensive written exam required by Applicants meeting the requirements of G.S. 89B-9(a)(1), G.S. 89B-~~
5 ~~9(a)(1) shall take the called a Level 2 examination, examination that~~ focuses on the practice of forestry in North
6 Carolina and shall be offered twice annually. ~~There is no limit to the number of times that an applicant may attempt~~
7 ~~the examination.-North Carolina.~~

8 (b) ~~For applicants Applicants~~ not meeting the education requirements ~~in of~~ G.S. 89B-9(a)(1), ~~a comprehensive written~~
9 ~~exam, called shall take~~ the Level 1 examination ~~is required. The exam that~~ tests the applicants' knowledge of forestry
10 approximating that obtained through graduation from a four-year curriculum in forestry and focuses on the practice
11 of forestry in North Carolina. ~~The exam shall be offered twice annually. There is no limit to the number of times that~~
12 ~~an applicant may attempt the examination.~~

13 (c) The Board shall offer both the Level 1 and Level 2 examination twice annually.

14 ~~(e)(d)~~ The Board shall notify applicants of the date, location, and time ~~by certified mail, return receipt requested, not~~
15 ~~less than 30 60 days before the each scheduled examination. examination, as to the time and place of the examination.~~
16 ~~If the applicant fails to respond at least ten days prior to the date of the exam, it is assumed that the applicant does not~~
17 ~~plan to take the examination. The applicant's file shall then be considered inactive and no further action shall be~~
18 ~~initiated by the Board. The application fee shall be forfeited. Applicants must notify the Board at least 30 days prior~~
19 ~~to the exam date of his or her intent to take the exam.~~

20 ~~(d)(e)~~ The passing grade for registration ~~is~~ shall be 70 percent on any exam. The determination by the Board as to the
21 score on each exam shall be final.

22 ~~(e)(f)~~ There is no limit to the number of times that an applicant may attempt the exam. Re-examination fees are shall
23 be forty dollars (\$40.00) per examination.

24
25 *History Note: Authority G.S. 89B-6; 89B-9; 89B-12;*
26 *Eff. February 1, 1976;*
27 *Amended Eff. May 1, 1989; February 1, 1985;*
28 *Temporary Amendment Eff. March 1, 1999;*
29 *Amended Eff. August 1, 2010; August 1, 2000.*
30 *Readopted Eff. October 1, 2018.*
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