

1 19A NCAC 02E .0602 is proposed for amendment as follows:

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3 **19A NCAC 02E .0602 REQUESTS FOR SELCTIVE VEGETATION REMOVAL PERMITS FOR A**  
4 **FACILITY**

5 (a) Applications for selective vegetation cutting, thinning, pruning, or removal (exclusive of grasses) at a facility shall be  
6 made by the owner of the facility to the appropriate Division Engineer of the North Carolina Department of  
7 Transportation, Division of Highways. ~~Applications with all required documentation~~ Applications shall be submitted in  
8 both printed and electronic form. ~~A non-refundable fee of two hundred dollars (\$200.00) must accompany each~~  
9 ~~application.~~ Applications for selective vegetation removal permits shall include the following information:

- 10 (1) applicant contact information;
- 11 (2) name and location of the facility;
- 12 (3) indication of request being for a business facility or agritourism activity;
- 13 (4) municipal review indication, if applicable;
- 14 (5) requested use of and site access for power-driven equipment in accordance with Rule .0604(22);
- 15 (6) performance and indemnity bond or certified check or cashier's check pursuant to G.S. 136-93;
- 16 (7) if using a contractor for vegetation removal work, identify the contractor and their qualifications if  
17 contractor is not listed on the Department's website directory of qualified transportation firms;
- 18 (8) payment of non-refundable \$200 permit fee, pursuant to G.S. 136-18.7;
- 19 (9) certificate of liability and all legally required insurance coverage, including worker's compensation  
20 and vehicle liability in the amounts required and according to North Carolina law;
- 21 (10) geographic information system document and property tax identification number to verify location of  
22 facility in relation to municipal limits;
- 23 (11) verification of on-site marking and tree-tagging requirements;
- 24 (12) sketch, and if needed, amended sketch of the requested cut zone and information about trees to be  
25 cut, thinned, pruned, or removed in accordance with Rule .0604(11);
- 26 (13) certification that applicant has permission from the adjoining landowner(s) to access their private  
27 property, if applicable, for the purpose of conducting selective vegetation removal permit activities;
- 28 (14) certification that the facility qualifies as an agritourism activity as required pursuant to G.S. 136-93.3;  
29 and
- 30 (15) applicant's notarized signature.

31 (b) Selective vegetation cutting, thinning, pruning, or removal for opening views to facilities shall be permitted only for  
32 the permittee's facilities adjacent to highway right of way at locations where such facilities have been ~~constructed.~~  
33 constructed or where agritourism activities are carried out as set forth in G.S. 136-93.3 and Rule .0601 of this  
34 Subchapter. Complete removal of all trees and other vegetation shall not be permitted. Dogwood trees and redbud trees  
35 shall be preserved. Other ~~trees, which trees that~~ trees that are not screening the facility from view and are four caliper inches and  
36 greater in diameter, measured six inches from the ground, shall be preserved. Trees, shrubs, and other vegetation less  
37 than four caliper inches in diameter may be removed. Trees, shrubs, and other ~~vegetation, which vegetation that~~ vegetation that are four

1 caliper inches or greater in diameter as measured six inches from the ground and not to be preserved, may be cut, thinned,  
2 pruned, or removed according to approval of Department personnel designated by the Division Engineer. All vegetation  
3 cutting, thinning, pruning, or removal shall be in accordance with ~~accepted~~ the current edition and subsequent  
4 amendments and editions of the American National Standard for Arboricultural Operations-Safety Requirements ANSI  
5 Z133.1, approved by the American National Standards Institute and published by the International Society of  
6 Arboriculture. (ISA) standards. Copies of the Standard are available for inspection in the office of the State Roadside  
7 Environmental Engineer, Division of Highways, Raleigh, N.C. Copies of the Standard may be obtained from the  
8 International Society of Arboriculture (ISA) for a \$20.00 cost. The ISA may be contacted at P.O. Box 3129 Champaign,  
9 Illinois 61826 or by accessing this website: <http://www.isa-arbor.com/>.

10 ~~(e) The provisions in this Rule shall not be used to provide visibility to undeveloped property or to on-premise signs.~~

11 ~~(d) (c)~~ Applications ~~must~~ shall be accompanied by a sketch showing the requested limits of the selective cutting,  
12 thinning, pruning, or removal of vegetation. For ~~commercial, industrial, institutional, and office facilities~~ facilities, the  
13 limits of selective cutting, thinning, pruning, or removal shall be restricted to ~~the~~ one area of right-of-way immediately  
14 adjacent to frontage property of the facility but not to exceed 1,000 contiguous linear feet. Facilities with frontage  
15 property on opposite sides of the State highway right-of-way may split the maximum vegetation removal distance  
16 between the two sides of the highway, resulting in a total of two contiguous cutting or removal distances along frontage  
17 property, with the total of the two sides not exceeding 1,000 linear feet. The permitted limits of the selective vegetation  
18 removal permit shall not be altered for subsequent applications. The applicant shall also include on the sketch the  
19 location, species, and caliper inches of all trees with a diameter of four caliper inches and greater, as measured six inches  
20 above ground level, at the time of the application and desired to be cut, thinned, pruned, or removed.

21 ~~(e) The applicant must shall certify that permission has been obtained from the adjoining landowner(s) to access their~~  
22 ~~private property, if applicable, for the purpose of conducting activities related to the selective vegetation removal permit~~  
23 ~~application.~~

24 ~~(d)~~ (d) The selective vegetation removal request may be ~~investigated~~ reviewed on site by Department personnel and a  
25 representative of the applicant.

26 ~~(e)~~ (e) ~~If~~ In accordance with G.S. 136-93(d), if the application for vegetation cutting is for a site located within the  
27 corporate limits of a municipality and ~~if~~ the municipality has previously advised the Division Engineer in writing of its  
28 desire to review such applications, the applicant shall deliver the application to the municipality at least 30 days prior to  
29 submitting the application to the Department, so ~~the municipality that local officials~~ shall be given the opportunity to  
30 review the application. Information regarding whether a municipality desires to review vegetation removal applications  
31 may be found on the Department website [www.ncdot.gov](http://www.ncdot.gov) or by contacting the Division Engineer's office.

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33 *History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-18.7; 136-93; 136-130; 136-93.3;*  
34 *Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;*  
35 *Eff. June 1, 1982;*  
36 *Amended Eff. November 16, 1991; December 1, 1990; August 1, 1985; June 2, 1982;*  
37 *Temporary Amendment Eff. November 16, 1999;*

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*Amended Eff. August 1, 2000;*  
*Temporary Amendment Eff. March 1, 2012;*  
*Amended Eff. January 1, 2015; November 1, 2012.*