

19A NCAC 02E .0602 REQUESTS FOR SELECTIVE VEGETATION REMOVAL PERMITS FOR A FACILITY

(a) Applications for selective vegetation cutting, thinning, pruning, or removal (exclusive of grasses) at a facility shall be made by the owner of the facility and sent to the Division Engineer of the North Carolina Department of Transportation (NCDOT), Division of Highways. Applications shall be submitted in both printed and electronic form. Application submittal information for each county is found on the NCDOT Selective Vegetation Removal website <https://connect.ncdot.gov/resources/roadside/Pages/Selective-Vegetation-Removal-Permits.aspx>.

Applications for selective vegetation removal permits shall include the following information:

- (1) the applicant contact information;
- (2) the name and location of the facility;
- (3) the indication of request for either a business facility or agritourism activity;
- (4) a municipal review indication, if applicable;
- (5) the requested use of and site access for power-driven equipment in accordance with Rule .0604(21) of this Section;
- (6) a performance bond or certified check or cashier's check pursuant to G.S. 136-93;
- (7) if using a contractor for vegetation removal work, identify the contractor and his or her qualifications if the contractor is not listed on the Department's website directory of qualified transportation firms;
- (8) a payment of non-refundable two hundred dollar (\$200.00) permit fee, pursuant to G.S. 136-18.7;
- (9) a certificate of liability, and proof of worker's compensation and vehicle liability insurance coverage;
- (10) a geographic information system document and property tax identification number to verify location of the facility in relation to municipal limits;
- (11) a verification of on-site marking and tree-tagging requirements;
- (12) a sketch, or amended sketch of the requested cut zone and information about trees to be cut, thinned, pruned, or removed in accordance with Rule .0604(10) of this Section;
- (13) if applicable, certification that the applicant has permission from the adjoining landowner(s) to access their private property for the purpose of conducting selective vegetation removal permit activities;
- (14) a certification that the facility qualifies as an agritourism activity as required by G.S. 136-93.3; and
- (15) the applicant's notarized signature.

(b) Selective vegetation cutting, thinning, pruning, or removal for opening views to facilities shall be permitted only for the permittee's facilities adjacent to highway right-of-way at locations where the facilities have been constructed or where agritourism activities are carried out as set forth in G.S. 136-93.3 and Rule .0601 of this Section. Complete removal of all trees and other vegetation shall not be permitted. Dogwood trees and redbud trees shall be preserved. Other trees shall be preserved if they are not screening the facility from view, and when measured at six inches above the ground, equal four or more caliper inches in diameter. Trees, shrubs, and other vegetation less than four caliper inches in diameter may be removed. Trees, shrubs, and other vegetation that are four or more caliper inches in diameter, as measured at six inches above the ground, and not to be preserved, may be cut, thinned, pruned, or removed if approved by the Division Engineer having jurisdiction or that Division Engineer's designee. All vegetation cutting, thinning, pruning, or removal shall be in accordance with the current edition of the American National Standard for Arboricultural Operations-Safety Requirements ANSI Z133 that is hereby incorporated by reference, including subsequent amendments and editions. Copies of the Standard may be obtained from the International Society of Arboriculture (ISA) for a twenty dollars (\$20.00) cost. The ISA may be contacted at 270 Peachtree Street NW, Suite 1900, Atlanta, GA 30303 or by accessing the website: <http://www.isa-arbor.com/store/product/122>.

(c) Applications shall be accompanied by a sketch showing the requested limits of the selective cutting, thinning, pruning, or removal of vegetation. For facilities, the limits of selective cutting, thinning, pruning, or removal shall be restricted to one area of right-of-way adjacent to frontage property of the facility, but not to exceed 1,000 contiguous linear feet. Facilities with frontage property on opposite sides of the State highway right-of-way may split the maximum vegetation removal distance between the two sides of the highway, resulting in a total of two contiguous cutting or removal distances along frontage property, with the total of the two sides not exceeding 1,000 linear feet. The permitted limits of the selective vegetation removal permit shall not be altered for subsequent applications. The applicant shall also include on the sketch the location, species, and caliper inches of all trees desired for cutting,

thinning, pruning, or removal, that have a diameter of four or more caliper inches, as measured six inches above ground level, at the time of the application. .

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

(e) In accordance with G.S. 136-93(d), if the application for vegetation cutting is for a site located within the corporate limits of a municipality and the municipality has previously advised the Division Engineer in writing of its desire to review such applications, the applicant shall deliver the application to the municipality at least 30 days prior to submitting the application to the Department, so the municipality may be given the opportunity to review the application. Information regarding whether a municipality desires to review vegetation removal applications may be found on the Department's Selective Vegetation Removal website or by contacting the Division Engineer's office.

*History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-18.7; 136-93; 136-93.3;
Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;
Eff. June 1, 1982;
Amended Eff. November 16, 1991; December 1, 1990; August 1, 1985; June 2, 1982;
Temporary Amendment Eff. November 16, 1999;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. March 1, 2012;
Amended Eff. January 1, 2015; November 1, 2012;
Readopted Eff. June 1, 2020.*