

The proposed readoptions to various rules in 02 NCAC 60B and 02 NCAC 60C will be published in the North Carolina Register on 10/16/2017.

The comment period ends 12/15/17. Written comments may be submitted to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001. Tina.hlabse@ncagr.gov.

Any person may request a public hearing on the proposed rules by submitting a request in writing no later than 10/31/17 to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001.

The proposed rules were classified as “necessary with substantive public interest” during the periodic review and expiration of existing rules process and are now being readopted. Some are being readopted without any changes being made to what is currently in the code. Other changes include deleting unnecessary language and updating references to correct people and agencies. There are other small technical corrections to grammar and spelling.

1 02 NCAC 60B .0101 is proposed for readoption without substantive changes as follows:

2
3 **SUBCHAPTER 60B - DIVISION PROGRAMS**

4
5 **SECTION .0100 - ADMINISTRATION**

6
7 **02 NCAC 60B .0101 COUNTY COOPERATION: FISCAL ASPECTS**

8 (a) The County Cooperative Forestry Program negotiated ~~annually~~ between the ~~county board of commissioners~~ North
9 Carolina Association of County Commissioners and the ~~department~~, Department, provides many services to private
10 landowners.

11 (b) The funding provided by each county is negotiated based on available state funds and a percentage rate determined
12 from a tax valuation scale jointly developed by the ~~department~~ Department and the ~~N.C.~~ North Carolina Association of
13 County Commissioners.

14
15 *History Note: Authority G.S. 106-22; 106-898; 143B-10(j);*
16 *Eff. February 1, 1976;*
17 *Amended Eff. October 2, 1978;*
18 *Readopted Eff. November 6, 1980;*
19 *Amended Eff. October 1, 1984;*
20 *Transferred from 15A NCAC 09C .0101 Eff. May 1, 2012.*
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1 02 NCAC 60B .0201 is proposed for readoption without substantive changes as follows:

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3 **SECTION .0200 - FOREST FIRE CONTROL**
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5 **02 NCAC 60B .0201 BURNING PERMITS FOR FOREST FIRE PREVENTION: CANCELLATION**

6 (a) Burning permits may be cancelled when it is determined that hazardous forest fire conditions exist or when an air
7 pollution episode exists. The cancellation may be for all or any part of the state. The boundaries of the area affected
8 by the cancellation will be county lines or other ~~well-known~~ well-known geographic features such as major
9 highways.

10 (b) During certain times of the year, weather and man's activity combine to create generalized hazardous forest fire
11 conditions. Land clearing during these times creates an additional and specific fire hazard resulting from the long
12 duration of land clearing burning during rapidly drying and changing weather conditions. When the ~~director~~
13 Commissioner determines that these conditions exist, a partial ban on special permits may be declared on the
14 counties where permits are required at all times. During the period of a partial ban on special permits, an authorized
15 forest ranger may cancel or refuse to issue a special permit for individual land clearing burning that constitutes a
16 specific fire hazard. He also may extinguish fires already burning that constitute a danger to adjoining woodlands.

17 (c) When the ~~director~~ Commissioner determines that hazardous forest fire conditions exist in any area under the
18 protection of the department, he may cancel all burning permits and prohibit the starting of fires capable of spreading
19 to protected woodlands regardless of the distance to such woodland. This prohibition of burning applies for all hours
20 of the day while the permit cancellation is in effect.

21 (d) An air pollution episode may be declared by competent authority designated by the Environmental Management
22 Commission. An episode may be declared by the division of air quality in Raleigh for all or any part of the state or
23 by one of the regional air quality control boards for the area under the control of that local board. Conditions
24 governing the two classes of declarations are as follows:

- 25 (1) When an air pollution episode is declared from Raleigh, all burning permits are cancelled by the
26 ~~Director of Forest Resources~~ Commissioner for the area affected by the episode.
- 27 (2) When an air pollution episode is declared by one of the local air quality boards, the burning permits
28 are cancelled by the local county forest rangers for the counties affected.

29
30 *History Note: Authority G.S. 106-22; 106-944; 143B-10;*
31 *Eff. February 1, 1976;*
32 *Amended Eff. October 2, 1978;*
33 *Readopted Eff. November 6, 1980;*
34 *Amended Eff. August 1, 1982;*
35 *Transferred from 15A NCAC 09C .0203 Eff. May 1, 2012.*
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1 02 NCAC 60B .0202 is proposed for readoption without substantive changes as follows:

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3 **02 NCAC 60B .0202 SUMMONING FIRE FIGHTERS**

4 (a) In emergencies forest rangers and forest law enforcement officers may summon any resident in good health
5 between 18 and 45 years of age inclusive to help control a forest fire. Forest rangers and forest law enforcement
6 officers may also require the use of crawler tractors and other property needed for fire control.

7 (b) The ranger or law enforcement officer making a verbal summons shall:

8 (1) explain the legal basis for the verbal summons;

9 (2) determine that the person being summoned satisfies the requirements of age, residence and physical
10 condition; and

11 (3) determine that the required property can be used to assist in controlling a forest fire.

12 (c) Should an individual who meets the legal requirements for summons refuse to serve or refuse the use of property,
13 the ranger or law enforcement officer shall:

14 (1) explain the legal basis for the verbal summons, and

15 (2) warn the individual that the department will pursue law enforcement action.

16
17 *History Note: Authority G.S. 106-22; 106-899; 143B-10(j);*

18 *Eff. February 1, 1976;*

19 *Readopted Eff. November 6, 1980;*

20 *Amended Eff. October 1, 1984;*

21 *Transferred from 15A NCAC 09C .0204 Eff. May 1, 2012.*

02 NCAC 60B .0205 is proposed for readoption without substantive changes as follows:

02 NCAC 60B .0205 PERSONAL INJURY LIABILITY DURING FOREST FIRE CONTROL

(a) The ~~department~~ Department has statutory authority to direct fire control tactics employed by all personnel engaged in fire suppression, and to prevent others from exercising independent action that could cause conflicts. Therefore, forest rangers shall, as ~~fire boss~~, Incident Commander, assume tactical direction of all forest fire suppression activities.

(1) The state normally does not assume responsibility for individuals employed by or committed to the fire suppression effort by a cooperating agency, corporation, or person having a mutual interest in the fire suppression effort:

(A) Several of the large corporate landowners in the state have voluntarily developed forest fire control organizations that supplement state forces in protecting their ~~deconomie~~ economic interest in forest resources. When corporate landowners voluntarily commit their employees and resources to a specific forest fire suppression effort, placing them under the tactical control of ~~a fire boss~~, an Incident Commander, these employees and resources remain the responsibility of the employing corporate landowner.

(B) Forest landowners should assist in the protection of their own property, and persons responsible for the escape of fires that damage or threaten the property of others should assist with suppression efforts. The ~~department~~ Department does not assume responsibility for these individuals; however, the ~~department~~ Department may assume responsibility when these individuals work under the sole direction of a forest ranger.

(2) The ~~department~~ Department assumes responsibility for individuals committed to forest fire suppression by summons, as regular state employees, or as ~~individuals~~ individual state volunteers. However, the ~~department~~ Department does not assume responsibility for individual volunteers who begin suppression efforts on their own, without the knowledge or tactical direction of a forest ranger, until after the ~~fire boss~~ Incident Commander has accepted them as part of the fire suppression organization and has committed them to work on the fire under his tactical direction.

(3) When special cooperative fire suppression agreements between the ~~division~~ Division and individual forest landowners exist, that agreement shall define the assumption of liabilities.

(b) Final determination of responsibility in disputed compensation and liability claims is made by the Industrial Commission or the courts. It is the purpose of this policy to set forth the intent of the ~~division~~ Division with regard to voluntary assumption of responsibility. Nothing in this policy is construed to be in conflict with governing statutes of the state.

*History Note: Authority G.S. 106-22; 106-899; 143B-10(j);
Eff. February 1, 1976;
Amended Eff. October 2, 1978;*

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Readopted Eff. November 6, 1980;

Amended Eff. October 1, 1984; August 1, 1982;

Transferred from 15A NCAC 09C .0207 Eff. May 1, 2012.

1 02 NCAC 60B .0302 is proposed for readoption without substantive changes as follows:

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3 **02 NCAC 60B .0302 CONTROL ACTIONS AND LIMITATIONS**

4 (a) When a serious pest problem exists and subject to available funding, control projects are initiated on state and
5 private land to reduce timber losses and control the pest. Control projects are generally designed to halt the spread
6 of a pest that poses a threat to forests in the aggregate as distinguished from threats to individual trees. Control
7 projects are not carried out in urban or suburban situations to protect individual trees unless economic and biologic
8 evaluations by the ~~division~~ Division reveal that such projects are necessary to protect contiguous forest communities.

9 (b) The Division may set priorities for specific forest health threat control actions and limitations based on funding
10 and resource availability. ~~White pine blister is a disease of white pine trees. Infection is usually localized and spread~~
11 ~~confined to single land ownerships. For this reason, control work by the division is limited to two man days per year~~
12 ~~per landowner and the landowner is required to furnish additional labor.~~

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14 *History Note: Authority G.S. 106-22; 106-920; 143B-10;*
15 *Eff. February 1, 1976;*
16 *Readopted Eff. November 6, 1980;*
17 *Transferred from 15A NCAC 09C .0304 Eff. May 1, 2012.*
18

1 02 NCAC 60B .0401 is proposed for readoption without substantive changes as follows:

3 **SECTION .0400 – FOREST MANAGEMENT**

4 **02 NCAC 60B .0401 REFERRALS AND LIMITATIONS**

5 The forest management program strives to provide forestry services to the largest number of landowners and forest
6 product operators possible in order to bring more forest land under active management. Accomplishment of this
7 objective requires that all sources of assistance be used including those of private consulting foresters and other
8 natural resource professionals. The referrals to consulting foresters and the limitations of the ~~Division of Forest~~
9 ~~Resources' (Division)~~ North Carolina Forest Service Division services are as follows:

- 10 (1) Whenever economic considerations and the landowner's objectives reveal that assistance by a
11 private forester is ~~practical~~ more beneficial, the landowner shall be referred to a consulting forester
12 or other natural resource professionals. The determination to refer shall be based upon a
13 discussion with the landowner and examination of ~~his~~ their forest land. If services needed or
14 desired are not offered by the Division, it shall be recommended to the landowner that a consulting
15 forester be employed. When any referral is made, a list of ~~practicing~~ consulting foresters shall be
16 furnished to the landowner.
- 17 (2) When forest management services are provided by the Division, a limit of five man-days per
18 landowner during any ~~12-month~~ 12-month period is imposed. This five-day limit does not include
19 ~~custom~~ forestry work performed by the Division for a fee or ~~cost-share~~ required compliance
20 checks.

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22 *History Note: Authority G.S. 106-22; 106-1002; 143B-10;*
23 *Eff. February 1, 1976;*
24 *Readopted Eff. November 6, 1980;*
25 *Amended Eff. August 1, 2002; October 1, 1984;*
26 *Transferred from 15A NCAC 09C .0401 Eff. May 1, 2012.*

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1 02 NCAC 60B .0402 is proposed for readoption with substantive changes as follows:

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3 **02 NCAC 60B .0402 TECHNICAL SERVICES**

4 (a) Technical forestry services shall be provided to forest landowners, forest products operators and processors upon
5 request. These services consist of the following:

6 (1) Services provided without charge:

7 (A) examination of a forest tract (accompanied by the owner or ~~agent~~); agent) where general
8 information is provided;

9 (B) recommendation of forest management systems that best meet the desires and objectives of the
10 owner, that are compatible with good forestry practices and that protect the environment;
11 practice plan preparation that includes specific recommendations to promote active forest
12 management;

13 (C) assistance in locating markets for timber and other forest products (pine straw, chips);

14 (D) assistance to operators and processors in locating raw material supplies and markets for their
15 products; and

16 (E) ~~assistance to processors to help increase their conversion efficiency from logs to manufactured~~
17 ~~products.~~ quality control checks and inspections of forestry operations.

18 (2) Services provided for a fee:

19 (A) marking and estimating timber for partial harvest or for other silvicultural purposes; and

20 (B) custom forestry services such as site preparation, prescribed burning, tree planting, etc. (see
21 15A NCAC 09C .0600); and

22 (C) forest management and stewardship plan preparation and recommendation of forest
23 management systems that best meet the desires and objectives of the owner, that are
24 compatible with good forestry practices and that protect the environment.

25 (b) Services not furnished by the Division. Requests for these services usually shall be referred to consulting
26 foresters. These are:

27 (1) timber cruises and estimation of timber volume or value made for timber sale or inventory purposes;

28 (2) damage appraisals, except by court order;

29 (3) trespass investigations, except by court order;

30 (4) quotation or establishment of prices on stumpage or cut timber; and

31 (5) property line location and marking.

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33 *History Note: Authority G.S. 106-22; 106-1001; 143B-10;*
34 *Eff. February 1, 1976;*
35 *Readopted Eff. November 6, 1980;*
36 *Amended Eff. August 1, 2002; October 1, 1984;*

1 02 NCAC 60B .0603 is proposed for readoption without substantive changes as follows:

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3 **02 NCAC 60B .0603 FEES FOR SERVICES**

4 (a) The Division charges a fee to cover costs.

5 (b) These contract fees are determined by applying fixed hourly rates to the time required to perform the service and
6 by including material costs. Fixed hourly rates are the sum of the purchase price, maintenance cost and operating
7 cost divided by expected lifespan plus the operator's ~~salary~~. salary when applicable. Most contracted service fees are
8 converted to per acre rates. Fixed hourly rates are converted to per acre rates by multiplying the fixed hourly rate by
9 the production rate. Some services require a fee on a per unit basis such as per mile or per tree. These fees are
10 established by applying the same fixed hourly rates, time required, and material costs.

11 (c) Designated Division employees, trained in such services, shall establish contract fees prior to beginning work.

12
13 *History Note: Authority G.S. 106-22; 106-1001; 143B-10;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. November 6, 1980;*
16 *Amended Eff. August 1, 2002; October 1, 1984;*
17 *Transferred from 15A NCAC 09C .0604 Eff. May 1, 2012.*
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1 02 NCAC 60B .0604 is proposed for readoption without substantive changes as follows:

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3 **02 NCAC 60B .0604 CONTRACTS FOR SERVICES**

4 The Division shall provide services under contracts stipulating fees, performance standards, liability, and
5 cancellation terms. Three types of contractual services exist:

- 6 (1) Landowner contracts executed when the Division performs services for individual landowners or
7 agencies.
8 (2) Rental contracts executed when the Division rents specialized forestry equipment to contracting firms,
9 companies, or individuals.
10 (3) Sub-contracting contracts shall be executed when the Division sub-contracts custom services to sub-
11 contractors.

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13 *History Note: Authority G.S. 106-22; 106-1001; 143B-10;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. November 6, 1980;*
16 *Amended Eff. August 1, 2002; October 1, 1984;*
17 *Transferred from 15A NCAC 09C .0605 Eff. May 1, 2012.*
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1 02 NCAC 60B .0605 is proposed for readoption without substantive changes as follows:

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3 **02 NCAC 60B .0605 AUTHORITY TO SUB-CONTRACT CUSTOM SERVICES**

4 Custom services shall be sub-contracted to a third person when the ~~director~~ Director deems such action in
5 the best interest of the state. Sub-contracting shall be undertaken to promote participation of private
6 enterprise in custom forestry services, to expedite work accomplishment and to expand the custom forestry
7 services capability of the Division.

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9 *History Note: Authority G.S. 106-22; 106-1001; 143B-10;*

10 *Eff. February 1, 1976;*

11 *Readopted Eff. November 6, 1980;*

12 *Amended Eff. August 1, 2002;*

13 *Transferred from 15A NCAC 09C .0606 Eff. May 1, 2012.*

14

1 02 NCAC 60B .0701 is proposed for readoption with substantive changes as follows:

2
3 **SECTION .0700 – FOREST DEVELOPMENT PROGRAM**

4
5 **02 NCAC 60B .0701 ADMINISTRATION OF PROGRAM**

6 (a) The manner and requirements of making application for cost sharing funds pursuant to the Forest Development
7 Act are as follows:

8 (1) Any eligible landowner may apply for program cost sharing ~~payment~~. funds.

9 (2) Application may be made by completing ~~an~~ application forms furnished by the ~~department~~ Division
10 and returning it to one of the field offices of the ~~Division of Forest Resources~~. Division. An approved
11 forest management plan relating to the application which assures forest productivity and provides
12 environmental protection of the State's woodland must be on file with the North Carolina Forest
13 Service ~~Division of Forest Resources~~ before the application may be accepted.

14 (b) The ~~Secretary~~ Commissioner of the ~~Department of Environment and Natural Resources~~ North Carolina
15 Department of Agriculture and Consumer Services or his or her designee shall approve completed applications.
16 Funds shall be allocated from the Forest Development Fund to the landowner for cost sharing on a "first come, first
17 served" basis, determined by the date of receipt of the application in the North Carolina Forest Service ~~Division of~~
18 ~~Forest Resources'~~ office in Raleigh, and until all available funds are encumbered. ~~An exception shall be made at the~~
19 ~~beginning of each fiscal year. At that time, all applications shall be held for a 10-day period to allow for inequities in~~
20 ~~the mail system. Should the applications received during the 10-day period exceed the funds available, allocation~~
21 ~~shall be made by proration and lottery. A prorata share of monies shall be made to the Division's three regions in~~
22 ~~accordance with the percent of total funds requested from each respective region. Applications from each region to~~
23 ~~receive these funds shall be chosen through a public drawing. The drawing shall be held the second working day~~
24 ~~after the 10th of July at 10:00 a.m. in Raleigh in the conference room of the Division of Forest Resources. Should~~
25 ~~funds be exhausted during a fiscal year, applications shall be held in priority as received until the next fiscal year at~~
26 ~~which time they will be given priority above new applications. Applicants who start or complete their project~~
27 ~~without prior approval shall not be eligible to receive funding.~~

28 (c) At the beginning of each fiscal year, the ~~Secretary~~ Commissioner may designate a portion of funds for practices
29 designed to encourage reforestation at reduced costs or for other special purposes in designated areas. Such
30 designations shall be for the current fiscal year only. Funds may be designated for a "Plant-Only" allocation and for
31 a "Mountain Area" allocation annually. The amount of these allocations shall be based on the prior year's demand
32 for these allocations, however, any increase of these allocations shall not exceed 50% of the previous year's
33 allocation. ~~Funding so designated must be committed by March 31 for "Plant-Only" practices and December 31 for~~
34 ~~"Mountain Area" practices. Funds remaining uncommitted after the specified date shall be reallocated on the "first~~
35 ~~come, first served" basis. The determination to designate funds by the~~ Secretary Commissioner shall be made in
36 writing not less than three months prior to beginning of the fiscal year for which funds are designated.

- 1 (d) Funds shall be allocated for replanting previously approved projects, when planting failure is not the result of
2 negligence by the landowner. Requests shall be approved in the order received.
- 3 (e) The Division shall periodically review the actual costs of carrying out approved practices. Prior to the beginning
4 of each fiscal year, the ~~Secretary~~ Commissioner shall establish either prevailing costs or flat rates for carrying out
5 each approved practice on a regional basis throughout the state.
- 6 (f) No approval shall be given for carrying out practices on more than 100 acres by a landowner in any one fiscal
7 year. This limitation does not apply where cost sharing has been approved and funds allotted on acreages approved
8 in a previous fiscal year.
- 9 (g) The Division shall set the Cost-Sharing Reimbursement Rate for practices, sub-practices, and species. The
10 Division shall periodically review the reimbursement rates and accomplishments of practices and sub-practices.
- 11 ~~(g)(h) Maximum Cost-Sharing Cost-Sharing Rate. The maximum cost-sharing cost-sharing rates shall not exceed~~
12 ~~60%. Planting of Longleaf Pine, Shortleaf pine, Hardwoods, and wetland conifer species shall be cost-shared at 60~~
13 ~~percent. All other practices shall be cost-shared at 40 percent.~~
- 14 ~~(h)(i) Cost-Sharing Cost-Sharing Payment to Landowner. Cost-sharing Cost-sharing payments shall be made upon~~
15 ~~certification by the Division of satisfactory completion of the practice(s) as prescribed in the management plan.~~
16 ~~Determination of satisfactory completion shall include; an assessment of the proper use of approved practices in~~
17 ~~relation to the silvicultural need of land, installation of appropriate best management practices to insure soil~~
18 ~~protection and water quality, and assurance that the installed practice is in compliance with all known environmental~~
19 ~~rules and regulations. Payments may be made following satisfactory completion of all approved practices or,~~
20 ~~practices. A partial payment may be made at the discretion request of the landowner, landowner following~~
21 ~~satisfactory completion of a sub-practice (s). However, no more than two payments shall be made for sub-practices~~
22 ~~covered by any one application.~~
- 23 ~~(i)(j) Withdrawal of Allotted Funds~~
- 24 (1) Funds allocated to an eligible landowner may be withdrawn at the end of the first full fiscal year
25 following the year in which the funds were allotted if no work has been started, ~~unless an extension is~~
26 ~~granted by the Division.~~ started. The landowner must provide sufficient documentation to the Division
27 for funds availability to extend into a second year.
- 28 (2) Funds allocated may be withdrawn at the end of the second full fiscal year following the year of
29 allocation if the practice has not been completed unless an extension is granted.
- 30 (3) Funds paid as "partial payment" must be repaid to the Forest Development Fund if the project is
31 started but not completed within the allotted time.
- 32 (4) Extensions. A ~~12-month~~ 12-month extension may be granted by the Division when a project cannot be
33 completed on schedule, through no fault of the applicant.
- 34 ~~(j)(k) Eligible landowners may appeal disagreements, disapproval of applications, or decisions on unsatisfactory~~
35 ~~completion of silvicultural or environmental practices in the manner established in 15A NCAC 01B .0200.~~
- 36 ~~(k)(l) Cost-shared project maintenance. The Division shall periodically check projects funded by the program to~~
37 ~~insure compliance with the 10-year maintenance requirement. Landowners with projects discovered to be destroyed~~

1 or otherwise not maintained as specified in the approved plan shall be required to reimburse the program. The
2 Division's Raleigh office shall be notified of all such projects and shall be responsible for seeking and collecting
3 reimbursement as allowed in 113A-180.1.

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5 *History Note: Authority G.S. 106-22; 106-1010; 106-1018; 143B-10(j);*
6 *Eff. August 8, 1978;*
7 *Amended Eff. August 1, 2002; July 1, 1986; October 1, 1984; August 1, 1982; January 15, 1981;*
8 *Transferred from 15A NCAC 09C .0902 Eff. May 1, 2012.*

1 02 NCAC 60B .0702 is proposed for readoption with substantive changes as follows:

2 **02 NCAC 60B .0702 APPROVED PRACTICES AND SUB-PRACTICES**

3 The following practices and sub-practices are eligible for ~~cost-share~~ cost-share payments:

4 (I) Site Preparation. Preparation of a site for planting, seeding or natural regeneration of a commercial
5 forest tree species; this may be accomplished by the following sub-practices used singularly or in
6 combinations:

7 (a) Burning. The use of prescribed fire for the purpose of site preparation;

8 (b) Chopping. The use of a machine-pulled chopper to crush and chop non-merchantable trees,
9 brush and other debris for the purpose of site preparation;

10 (c) Discing. The use of a machine-pulled disc to crush and destroy non-merchantable trees,
11 brush and other debris for the purpose of site preparation;

12 ~~(d)~~(c) KG/V-Blade Shear. The use of a sharp-edged, angled blade (KG or ~~V-blade~~)V-Blade
13 mounted on a tractor to shear non-merchantable trees and brush for the purpose of site
14 preparation;

15 ~~(e)~~(d) KG and Pile. The use of a sharp-edged, angled blade (called ~~KG-blade~~ KG-Blade)
16 mounted on a tractor to shear non-merchantable trees and brush for the purpose of site
17 preparation; this sheared material and other debris are pushed into piles or windrows;

18 ~~(f)~~(e) Rake & Pile. The use of a toothed, rake-type blade mounted on a tractor to push logging
19 debris, but not roots or soil, into piles or windrows;

20 ~~(g)~~(f) Bedding (Single or Double). The use of a bedding plow pulled by a tractor to prepare a
21 bed or ridge for the purpose of site preparation;

22 ~~(h)~~(g) V-Blade Bedding. The use of a sharp angled blade (not a ~~KG-blade~~Blade) mounted on a
23 tractor to shear non-merchantable trees and brush and a bedding plow pulled by a tractor
24 to prepare a bed or ridge for the purpose of site preparation in a single pass operation;

25 ~~(i)~~(h) Furrowing. The use of a plow pulled by a tractor to prepare a shallow trench or furrow to
26 reduce competing vegetation for the purpose of site preparation;

27 ~~(j)~~ ~~Bulldozing and Piling. The use of a bulldozer to push over non-merchantable trees and~~
28 ~~brush for the purpose of site preparation; the material is pushed into piles or windrows;~~

29 ~~(k)~~ ~~Other. The use of hand tools or other machines to destroy or reduce competing vegetation~~
30 ~~for the purpose of site preparation;~~

31 ~~(l)~~ ~~Chemical Control; Aerial. The use of herbicides, applied from the air, to reduce competing~~
32 ~~vegetation for the purpose of site preparation;~~

33 ~~(m)~~(i) Chemical Control-Site Preparation. Ground. The use of aerial or ground chemical
34 applications to reduce competing vegetation for the purpose of site preparation.

35 ~~(n)~~(j) Other. The use of hand tools or other machines to destroy or reduce competing vegetation
36 for the purpose of site preparation.

1 ~~(n) Preharvest Treatment. Use of chemical or mechanical means, including hand methods, to~~
2 ~~control vegetation to develop a stand of trees from advanced hardwood regeneration,~~
3 ~~natural pine regeneration, or artificial regeneration. When using this practice the following~~
4 ~~criteria apply:~~

5 ~~(i) The landowner must agree to harvest overstory stand once regeneration of at least~~
6 ~~300 seedlings of a commercial timber species is established;~~

7 ~~(ii) This practice cannot be used to prepare an area for pine straw production; and~~

8 ~~(iii) The only other site preparation technique that may be cost shared at a later date is~~
9 ~~prescribed burning, if needed.~~

10 ~~(2) Silvicultural Clearcut. The felling of trees in unmerchantable stands for the purpose of removing~~
11 ~~all stems in the overstory to allow regeneration of desirable species by exposing the site to direct~~
12 ~~sunlight:~~

13 ~~(a) Fell and Leave. Felling all trees on an area with no removal of merchantable material, for~~
14 ~~the purpose of accomplishing a silvicultural clearcut;~~

15 ~~(b) Fell and Remove. Felling all trees on an area, both merchantable and unmerchantable, for~~
16 ~~the purpose of accomplishing a silvicultural clearcut; the stumpage value of all~~
17 ~~merchantable trees removed from the area, as determined by the Director, shall be deducted~~
18 ~~from the allowable cost of completing the practice.~~

19 ~~(3)~~(2) Tree Planting or Seeding. Planting seedlings or applying seed to establish a commercial forest stand.
20 This includes:

21 (a) Hand Planting. The use of planting bars or other hand tools to plant forest tree seedlings;

22 (b) Machine Planting. The use of a planting machine to plant forest tree seedlings;

23 (c) Machine Plant - Chemical. The combined use of a planting machine to plant forest tree
24 seedlings and application equipment to apply herbicides to reduce competing vegetation in
25 a single pass operation.

26 ~~(d) V Blade Planting. The use of a tractor with attached V-shaped blade and planting machine~~
27 ~~to plant forest tree seedlings;~~

28 ~~(e) Direct Seeding. The use of any type applicator to apply desirable forest tree seed directly~~
29 ~~to the soil.~~

30 ~~(4)~~(3) Tree Planting Followed by Site Preparation. Tree planting followed by the use of a herbicide
31 treatment; within one year after planting.

32 ~~(5) Mixed Stand Plantings. Tree planting to establish a mixed pine-hardwood stand, or a mixed stand~~
33 ~~of hardwood species.~~

34 ~~(6)~~(4) Release of Seedlings. Reducing or eliminating unwanted vegetation that is competing with the
35 established reproduction of desired tree species to ensure adequate regeneration (at least 300
36 seedlings) of a commercial timber species. This may be accomplished by one of the following
37 treatments:

- 1 (a) ~~Chemical Control: Aerial. The use of herbicides, applied from the air, to reduce competing~~
2 ~~vegetation for the purpose of releasing desirable reproduction; Chemical Control-Release.~~
3 ~~The use of herbicides, applied from the air or ground, to reduce competing vegetation for~~
4 ~~the purpose of releasing desirable reproduction.~~
- 5 (b) ~~Chemical Control; Ground. The use of hand tools or ground chemical applicators to reduce~~
6 ~~competing vegetation for the purpose of releasing desirable reproduction;~~
- 7 (e)(b) Mechanical Control. The use of hand tools or machines to reduce competing vegetation
8 for the purpose of releasing desirable reproduction.
- 9 (7) ~~Uneven Aged Management. A planned sequence of silvicultural treatments designed to maintain~~
10 ~~and regenerate a stand with three or more age classes.~~
- 11 (8)(5) Forest Stand Improvement. Practices that improve tree growth and overall forest health to insure
12 maximum growth potential of forest stands to commercial production levels. The practices listed
13 below and approved for reimbursement will improve immature forest stands for silvicultural
14 purposes:
- 15 (a) ~~Understory Release—~~ Release. Complete removal or deadening of older trees or saplings
16 that have no merchantable value, to improve growing conditions for desirable tree species;
- 17 (b) ~~Release of Seedling—~~ Seedlings. A mechanical or chemical treatment designed to free
18 young trees from undesirable, usually over-topping, competing vegetation;
- 19 (c) ~~Cull-tree Removal—~~ Removal. Complete removal or deadening of trees having no
20 merchantable value because of defects or inferior species. Differs from understory release
21 in that removal is to favor growth on remaining established poles and small sawtimber of
22 better quality and species. This treatment is used only in stands beyond the sapling size
23 class;
- 24 (d) ~~Crop Tree Crown Release—~~ Release. Removal or deadening of cull trees and other
25 undesirable trees to release the crowns of crop trees with commercial value. Crop trees are
26 high value species, which are dominant or co-dominant in position and are well-formed
27 and free of major forest insects and diseases. Cull trees are trees that have little or no
28 economic value due to poor form or presence of insects or disease. Less desirable trees
29 have poorer growth characteristics or are in poorer condition than the crop trees;
- 30 (e) ~~Non-Commercial Thinning—~~ Thinning. A felling, deadening or removal of immature trees
31 in a stand (predominately seedlings and saplings) which significantly reduces the stem
32 density to accelerate growth and improve the health and form of the remaining trees;
- 33 (f) ~~Prescribed Burning—~~ Burning. The use of fire in a ~~planned and controlled manner to that~~
34 ~~provide provides~~ silvicultural ~~benefits~~ or forest health ~~benefits.~~ ~~from forest fuel reduction~~
35 ~~or a reduced understory competition.~~ ~~Prescribed burning must be conducted under the~~
36 ~~supervision of a "certified prescribed burner" (as defined by G.S. 113-60.41 of the North~~
37 ~~Carolina Prescribed Burning Act), using a burning plan; benefits; and~~

1 (g) Forest ~~Fertilization~~ Fertilization. The addition of nutrient elements to the soil at
2 establishment or mid-rotation to overcome nutrient deficiencies ~~or~~ to increase tree growth
3 ~~rates.~~ rates on appropriate sites.

4

5 *History Note: Authority G.S. 106-22; 106-966; 106-1011; 106-1013; 106-1018; 143B-10(j);*

6 *Eff. August 8, 1978;*

7 *Amended Eff. November 1, 2006; August 1, 2002; October 1, 1984;*

8 *Transferred from 15A NCAC 09C .0903 Eff. May 1, 2012*

1 02 NCAC 60B .0804 is proposed for reoption with substantive changes as follows:

2

3 **02 NCAC 60B .0804 LIMITATION OF SERVICES**

4 (a) Services to all categories of recipients will can be limited to a designated number of person days per year. year
5 depending on the type of request. Specific limits will be determined after the program has been operational for a
6 period of one to two years. During that period of time the The Commissioner secretary will have has discretionary
7 authority to limit the number of days services to all categories of recipients in order to develop and improve the
8 program and services. The ~~secretary~~ Commissioner may delegate totally or in part the discretionary authority.

9 (b) Certain services will not be furnished. These are:

- 10 (1) acting as legal agent for recipients of program technical services,
- 11 (2) providing land or boundary surveys or title search assistance,
- 12 (3) performing appraisals involving the sale or exchange of real property,
- 13 (4) assistance that exceeds limits established in (a) of this Rule,
- 14 (5) enforcing state or local laws and regulations.

15

16 *History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);*
17 *Eff. August 8, 1978;*
18 *Transferred from 15A NCAC 09C .1004 Eff. May 1, 2012.*

19

20

1 02 NCAC 60B .0805 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .0805 PROCEDURES**

4 (a) All normal requests for North Carolina Forest Service technical services will be honored on a "first-come
5 first-serve basis" within the limits of manpower available. Recipients that cannot be assisted immediately will be
6 notified accordingly and placed in priority on a waiting list. The ~~secretary~~ Commissioner may elect to provide
7 services on other than a "first-come first-serve" basis in extraordinary situations. The ~~secretary~~ Commissioner may
8 delegate this responsibility. Examples of extraordinary situations are natural disasters or situations that present
9 unique opportunities for use of grants to communities.

10 (b) Services will be provided directly to community and urban area recipients and public recipients only:

11 (1) Following the request for assistance, the program will be explained to the prospective recipients by
12 staff personnel of the ~~division of forest resources~~. North Carolina Forest Service Division.

13 (2) Technical assistance will be provided to qualifying communities, urban areas and private recipients
14 only after the governing body:

15 (A) establishes a local tree ordinance, and

16 (B) appoints a tree board.

17

18 *History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);*

19 *Eff. August 8, 1978;*

20 *Transferred from 15A NCAC 09C .1005 Eff. May 1, 2012*

21

1 02 NCAC 60B .0901 is proposed for readoption without substantive changes as follows:

2
3 **SECTION .0900 – N.C. PRESCRIBED BURNING ACT**

4
5 **02 NCAC 60B .0901 BURNER CERTIFICATION**

6 The ~~N. C. Division of Forest Resources, North Carolina Forest Service Division~~, hereafter referred to as ~~DFR~~,
7 ~~NCFS~~, shall conduct a ~~burner Certification~~ Certified Burner program composed of the following:

- 8 (1) Each candidate shall attend and successfully complete a prescribed burn school consisting of
9 instruction on: The ~~N. C. North Carolina~~ Prescribed Burning Act, weather, fuels, smoke management,
10 firing techniques and planning, executing and mopping up the burn; a field trip to examine burn sites
11 before and after burning; and a written test. ~~DFR NCFS~~ shall offer a minimum of one of these schools
12 ~~annually at a charge of twenty-five dollars (\$25.00) per participant.~~ annually.
- 13 (2) An alternative abbreviated school may be provided candidates who have successfully completed an
14 approved prescribed burn school other than the ~~DFR NCFS~~ school. Other prescribed burn schools
15 shall be approved by ~~DFR NCFS~~ if all topics contained in the ~~N. C. North Carolina~~ Prescribed Burn
16 School were included. Candidates shall provide documentation of topics covered and successful
17 completion to ~~DFR NCFS~~. This abbreviated school shall include the ~~N. C. North Carolina~~ Prescribed
18 Burn Act and the ~~N. C. North Carolina~~ Smoke Management System. A minimum of one of these
19 schools shall be offered annually if there are a sufficient number of requests.
- 20 (3) In order to be certified, each ~~candidate~~ candidate, whether they train under Paragraph (a) or (b) of this
21 Rule shall successfully conduct a prescribed burn under the observation of a certified burner. The
22 candidate must submit to ~~DFR NCFS~~ a completed ~~DFR NCFS~~ Certified Burner checkoff sheet, signed
23 by a ~~certified burner.~~ Certified Burner and the associated burn prescription documentation package.
- 24 (4) Successful candidates shall receive both a numbered certificate and pocket card.

25
26 *History Note: Authority G.S. 106-22; 106-969; 106-1001; 143B-10;*
27 *Temporary Adoption Eff. January 12, 2000;*
28 *Eff. April 1, 2001;*
29 *Transferred from 15A NCAC 09C .1102 Eff. May 1, 2012.*
30

1 02 NCAC 60B .1003 is proposed for readoption without substantive changes as follows:

2
3 **02 NCAC 60B .1003 PERMITS**

4 (a) A permit authorizes an act only when that act conforms with the terms contained in the permit or in applicable
5 rules, and conforms to existing state laws.

6 (b) Any violation of the permit constitutes grounds for its revocation by the Department. In case of revocation the
7 permit holder shall forfeit to the Department all money for the permit. Furthermore, the department shall consider
8 the permit holder, together with his agents and employees who violated such terms, jointly and severally liable to the
9 Department for all damages suffered in excess of money so forfeited. However, neither the forfeiture of such money,
10 nor the recovery of such damages, nor both, relieves such person from statutory punishment for any violation of a
11 provision of any State Forest or Educational State Forest rule.

12 (c) Applications for permits shall be made through the State Forest or Educational State Forest office during
13 business hours and approved by the Forest Supervisor or his or her designee in advance of the act permitted.

14
15 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

16 *Eff. November 1, 2009;*

17 *Transferred from 15A NCAC 09C .1230 Eff. May 1, 2012.*

18

1 02 NCAC 60B .1004 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1004 ROCK OR CLIFF CLIMBING AND REPELLING**

4 A person shall not engage in rock climbing, cliff climbing or rappelling within the boundaries of a state forest, except
5 at designated areas and only after obtaining a permit.

6

7 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

8 *Eff. November 1, 2009;*

9 *Transferred from 15A NCAC 09C .1231 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1005 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1005 BATHING OR SWIMMING**

4 (a) A person shall not dive or jump from any waterfalls or rocks or overhangs into any body of water.

5 (b) A person shall not wade, bathe or swim in any body of water in an Educational State Forest, except in designated
6 swimming areas.

7 (c) A person may wade, bathe or swim at his or her own risk in any body of water in any State Forest, except within
8 300 feet upstream of the top of a waterfall, and in other designated non-swimming areas.

9 (d) Public Nudity:

10 (1) Public nudity is prohibited in all State Forest and Educational State Forest lands or waters. This Rule
11 does not apply to the enclosed portions of bathhouses, restrooms, tents and recreational vehicles.

12 (2) Children under the age of five are exempt from this restriction.

13

14 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

15 *Eff. November 1, 2009;*

16 *Transferred from 15A NCAC 09C .1232 Eff. May 1, 2012.*

17

18

1 02 NCAC 60B .1006 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1006 HUNTING**

4 (a) A person shall not hunt on any Educational State Forest lands without obtaining a permit from the Forest
5 Supervisor's office and must obey all state hunting laws and rules currently in effect.

6 (b) A person may hunt on a State Forest that is in the Game Land program if the person obtains a Game Land permit
7 from a NC Wildlife Resources Commission designated licensing agent and obeys all state hunting laws and rules
8 currently in effect for the applicable Game Land.

9 (c) Hunters shall not discharge a firearm or bow and arrow within, into or across a posted safety zone.

10 (d) Hunters shall not erect or occupy any tree stand attached to any tree, unless it is a portable stand that leaves no
11 metal in the tree.

12

13 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

14 *Eff. November 1, 2009;*

15 *Transferred from 15A NCAC 09C .1233 Eff. May 1, 2012.*

16

17

1 02 NCAC 60B .1007 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1007 FISHING**

4 (a) A person may fish in any waters in State Forests if the person obeys all state fishing laws and rules.

5 (b) A person may fish in any waters of any Educational State Forest if the person first obtains a permit from the
6 Forest Supervisor's office and obeys all state fishing laws and rules.

7

8 *History Note Authority G.S. 106-22; 106-870; 106-877;*

9 *Eff. November 1, 2009;*

10 *Transferred from 15A NCAC 09C .1234 Eff. May 1, 2012.*

11

12

1 02 NCAC 60B .1008 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1008 ANIMALS AT LARGE**

4 (a) Except in designated areas, no person shall have any dog, cat or other pet upon a State Forest or Educational
5 State Forest unless the animal is on a leash and under the control of the owner or some other person. Hunting dogs
6 used in accordance with NC Wildlife Commission Game Land Rules pertaining to State Forests are exempt from this
7 Rule.

8 (b) No dog, cat or other pet shall be allowed to enter any public building on State Forests, except assistance animals
9 for persons with disabilities.

10

11 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

12 *Eff. November 1, 2009;*

13 *Transferred from 15A NCAC 09C .1235 Eff. May 1, 2012.*

14

15

1 02 NCAC 60B .1009 is proposed for readoption without substantive changes as follows:

2
3 **02 NCAC 60B .1009 BOATING**

4 (a) A person shall not operate a boat, canoe, kayak or other watercraft in any waters on Educational State Forests
5 without obtaining a permit from the Forest Supervisor.

6 (b) Boats, canoes, kayaks or other watercraft may be operated on the waters of State Forests, provided they are
7 manually operated or propelled by means of oars, paddles or electric trolling motors. Boats with gas motors attached
8 are prohibited on any waters of State Forests, except for use by rescue squads, diving teams, or similar organizations
9 conducting training or emergency operations or forest staff conducting maintenance operations.

10
11 *History Note: Authority G.S. 106-22; 106-870; 106-877;*
12 *Eff. November 1, 2009;*
13 *Transferred from 15A NCAC 09C .1236 Eff. May 1, 2012.*
14

1 02 NCAC 60B .1010 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1010 CAMPING**

4 (a) No person shall spend the night or maintain a camp in an Educational State Forests or State Forest except under
5 permit, and at such places and for such periods as may be designated.

6 (b) Unless otherwise provided in this Section, the number of persons camping at a particular site may be limited by
7 the forest supervisor depending upon the size of the group and the size and nature of the campsite.

8

9 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

10 *Eff. November 1, 2009;*

11 *Transferred from 15A NCAC 09C .1237 Eff. May 1, 2012.*

12

1 02 NCAC 60B .1011 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1011 SPORTS AND GAMES**

4 No games or athletic contests shall be allowed except in places as may be designated or under permit, and at such
5 places and for such periods as may be designated.

6

7 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

8 *Eff. November 1, 2009;*

9 *Transferred from 15A NCAC 09C .1238 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1012 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1012 HORSES**

4 (a) No person shall use, ride or drive a horse except to, from or along a designated bridle path, multi-use trail
5 designated for horses or designated watering point.

6 (b) Each equestrian user shall remove from designated parking areas all residues (including manure) generated by
7 his or her horse.

8 (c) When dismounted, horses shall be tied in such a manner as to prevent damage to trees and other plants.

9 (d) Horses shall cross rivers and streams using bridges or culverts if available.

10 (e) Horses shall not wade in lakes.

11 (f) Users shall possess valid Coggins papers for each horse and make them available for inspection upon request.

12

13 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

14 *Eff. November 1, 2009;*

15 *Transferred from 15A NCAC 09C .1239 Eff. May 1, 2012.*

16

1 02 NCAC 60B .1013 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1013 BICYCLES**

4 (a) No person shall use or ride a bicycle except on a road or trail authorized for use by motor vehicles or specifically
5 designated as a bicycle or multi-use trail.

6 (b) When crossing rivers or streams, bicycle use shall be confined to bridges or culverts if available.

7

8 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

9 *Eff. November 1, 2009;*

10 *Transferred from 15A NCAC 09C .1240 Eff. May 1, 2012.*

11

12

1 02 NCAC 60B .1014 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1014 SKATES, BLADES AND BOARDS**

4 No person shall use or ride roller skates, in-line skates, roller blades, skate boards, or any similar device on any
5 Educational State Forest or State Forest road, trail or other maintained surface.

6

7 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

8 *Eff. November 1, 2009;*

9 *Transferred from 15A NCAC 09C .1241 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1015 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1015 EXPLOSIVES**

4 No person shall carry or possess any explosives or explosive substance including fireworks upon Educational State
5 Forests or State Forests. This does not apply to employees of the department when they engage in construction or
6 maintenance activities.

7

8 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

9 *Eff. November 1, 2009;*

10 *Transferred from 15A NCAC .1242 Eff. May 1, 2012.*

11

1 02 NCAC 60B .1016 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1016 FIREARMS**

4 No person except authorized forest law enforcement officers of the department, or any other sworn law enforcement
5 officer shall carry or possess firearms of any description or air guns or pellet guns, on or upon Educational State
6 Forest or State Forests. Properly licensed hunters that meet the requirements of Rule .1233 of this Section, or
7 persons meeting the requirements of the NC Wildlife Resources Commission Rules applicable to Educational State
8 Forests or State Forests, are exempt from this Rule.

9

10 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

11 *Eff. November 1, 2009;*

12 *Transferred from 15A NCAC 09C .1243 Eff. May 1, 2012.*

13

1 02 NCAC 60B .1017 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1017 FIRES**

4 (a) No person shall build or start a fire in any area of an Educational State Forest or State Forest unless that area is
5 designated for such purpose.

6 (b) Tree planters and logging crews may build warming fires if they obtain a permit and confine the fire to an area
7 temporarily designated for such purpose.

8 (c) Fires ignited for forest management purposes under the provisions of a prescribed burning plan, approved by the
9 Forest Supervisor or his designee, are exempt from this Rule.

10

11 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

12 *Eff. November 1, 2009;*

13 *Transferred from 15A NCAC 09C .1244 Eff. May 1, 2012.*

14

1 02 NCAC 60B .1018 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1018 DISORDERLY CONDUCT**

4 (a) No person visiting on an Educational State Forest or State Forest shall disobey a lawful order of a Division
5 employee, law enforcement officer or any other Department official or endanger him or herself or endanger or
6 disrupt others.

7 (b) No person shall use, walk or run on or along a road or trail that is designated closed for maintenance, tree
8 removal or any other purpose, or enter an area that is designated "No Entry," "Do Not Enter" or "Authorized
9 Personnel Only," except for Division employees or contractors working under the direction of a Division employee,
10 volunteers or individuals or groups under permit, and at such places and for such periods as may be designated.

11

12 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

13 *Eff. November 1, 2009;*

14 *Transferred from 15A NCAC 09C .1245 Eff. May 1, 2012.*

15

1 02 NCAC 60B .1019 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1019 INTOXICATING BEVERAGES AND DRUGS**

4 No person shall use, or be under the influences of intoxicants, marijuana, or non-prescribed narcotic drugs as defined
5 in G.S. 90-87, while on an Educational State Forest or State Forest. The public display or use of alcoholic
6 beverages, marijuana or non-prescribed narcotic drugs is prohibited.

7

8 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

9 *Eff. November 1, 2009;*

10 *Transferred from 15A NCAC 09C .1246 Eff. May 1, 2012*

1 02 NCAC 60B .1020 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1020 DAMAGE TO BUILDINGS, STRUCTURES AND SIGNS**

4 No person shall injure, deface, disturb, destroy or disfigure any Educational State Forest or State Forest building,
5 structure, sign, fence, vehicle, machine or any equipment.

6

7 *History Note: Authority G.S 106-22; 106-870; 106-877;*

8 *Eff. November 1, 2009;*

9 *Transferred from 15A NCAC 09C .1247 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1021 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1021 COMMERCIAL ENTERPRISES**

4 No person shall, while in or on an Educational State Forest or State Forest, sell or offer for sale, hire or lease, any
5 object or merchandise, property, privilege, service or any other thing, or engage in any business except under permit
6 and at such places and for such periods as may be designated. Sales from which proceeds are used in support of the
7 forest or sales conducted or contracted by the Department are exempt from this Rule.

8

9 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

10 *Eff. November 1, 2009;*

11 *Transferred from 15A NCAC 09C .1248 Eff. May 1, 2012*

1 02 NCAC 60B .1022 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1022 NOISE REGULATIONS**

4 The production or emission of noises over the level of 85 decibels, at a distance of 10 feet, on an Educational State
5 Forest or State Forest is prohibited.

6

7 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

8 *Eff. December 1, 2009;*

9 *Transferred from 15A NCAC 09C .1249 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1023 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1023 MEETINGS AND EXHIBITIONS**

4 A person, except for Department employees in performance of official duties, shall not hold any meetings or
5 exhibitions, perform any ceremony, or make any speech, on an Educational State Forest or State Forest without a
6 permit.

7

8 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

9 *Eff. November 1, 2009;*

10 *Transferred from 15A NCAC 09C .1250 Eff. May 1, 2012.*

11

1 02 NCAC 60B .1024 is proposed for re adoption without substantive changes as follows:

2

3 **02 NCAC 60B .1024 ALMS AND CONTRIBUTIONS**

4 A person shall not solicit contributions for any purpose within an Educational State Forest or State Forest, unless
5 approved by the Division and such contributions are used to benefit the State Forest or Educational State Forest.

6

7 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

8 *Eff. November 1, 2009;*

9 *Transferred from 15A NCAC 09C .1251 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1025 is proposed for readoption without substantive changes as follows:

2
3 **02 NCAC 60B .1025 AVIATION**

4 (a) Except as noted in Paragraphs (b) and (c) of this Rule, a person shall not voluntarily bring, land or cause to
5 descend or alight, ascend or take off within or upon any Educational State Forest or State Forest area, any airplane,
6 flying machine, balloon, parachute, glider, hang glider, or other apparatus for aviation. "Voluntarily" in this
7 connection shall mean anything other than a forced landing.

8 (b) In forest areas where aviation activities are part of the planned forest activities or military, law enforcement or
9 rescue training, a permit shall be required.

10 (c) Emergency aircraft such as air ambulances and aerial search helicopters, and Division aircraft are exempt from
11 this Rule.

12
13 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

14 *Eff. November 1, 2009;*

15 *Transferred from 15A NCAC 09C .1252 Eff. May 1, 2012.*

16
17

1 02 NCAC 60B .1026 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1026 EXPULSION**

4 For violation of any rule in this Section, the Division shall withdraw the right of a person or persons to remain on an
5 Educational State Forest or State Forest.

6

7 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

8 *Eff. December 1, 2009;*

9 *Transferred from 15A NCAC 09C .1253 Eff. May 1, 2012.*

10

1 02 NCAC 60B .1027 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1027 **MOTORIZED VEHICLES****

4 (a) A person shall not drive a motorized vehicle in an Educational State Forest or State Forest within or, upon a
5 safety zone, hiking trail, bridle trail, multi-use trail, fire trail, service road, or any part of the forest not designated for
6 such purposes, except by permit.

7 (b) Motor bikes, mini-bikes, all terrain vehicles, and any other unlicensed motor vehicle are prohibited within the
8 forest except by permit.

9 (c) A person shall not park a motorized vehicle in a manner that blocks forest roads or gates.

10 (d) Unless otherwise posted, the speed limit on graveled forest roads is 20 miles per hour, and on dirt roads is 10
11 miles per hour.

12 (e) Vehicles exempt from this Rule are: Department vehicles, authorized vendors, vehicles used in conjunction with
13 forest and emergency operations, and vehicles of ~~dependant~~ dependent employees and resident family members.

14

15 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

16 *Eff. November 1, 2009;*

17 *Transferred from 15A NCAC 09C .1254 Eff. May 1, 2012*

18

1 02 NCAC 60B .1028 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1028 FLOWERS, PLANTS, MINERALS, ETC.**

4 (a) A person shall not remove, destroy, cut down, scar, mutilate, take, gather or injure any tree, flower, artifact, fern,
5 shrub, rock or other plant or mineral in any Educational State Forest or State Forest area. Silvicultural activities
6 performed in accordance with an approved State Forest Management Plan are exempt from this Rule.

7 (b) A person shall not collect plants, animals, minerals or other artifacts from any Educational State Forest or State
8 Forest area without first having obtained a permit.

9

10 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

11 *Eff. November 1, 2009;*

12 *Transferred from 15A NCAC 09C .1255 Eff. May 1, 2012.*

13

14

1 02 NCAC 60B .1029 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1029 TRASH AND DEBRIS**

4 A person shall not deposit paper products, bottles, cans or any other trash or debris in an Educational State Forest or
5 State Forest, except in receptacles designated for such materials. Where trash receptacles are not ~~provided~~ provided,
6 persons shall pack their trash out of the forest and dispose of it in a lawful manner.

7

8 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

9 *Eff. November 1, 2009;*

10 *Transferred from 15A NCAC 09C .1256 Eff. May 1, 2012.*

11

12

02 NCAC 60B .1030 is proposed for readoption without substantive changes as follows:

02 NCAC 60B .1030 FEES AND CHARGES

(a) The following fee schedule shall apply at DuPont State Recreational Forests and the Community Building at Jordan Lake Educational State Forest:

(1) CAMPING.

(A) Primitive, unimproved campsite with portable toilets and fresh water available, \$9.00 per campsite, daily.

(B) Primitive group tent camping, unimproved campsite with portable toilets, \$1.00 per person, daily, with \$9.00 minimum.

(C) Improved group camping with water, restrooms and shower facilities available, \$40.00 per day, and maximum capacity of 35 people.

(2) PICNIC SHELTER RENTALS.

(A) Are by reservations only.

(B) Rate: 1-2 tables, \$25.00; 3-4 tables, \$40.00; 5-8 tables, \$60.00.

(3) CLASSROOM OR COMMUNITY BUILDING (DuPont State Recreational Forest and Jordan Lake Educational State Forest).

(A) Fee may be waived for government agencies and natural resource related non-profit groups.

(B) Rates: One half day, \$75.00; Full day, \$150.00.

(4) EQUESTRIAN FACILITIES.

(A) Barn or paddocks (fee may be waived for volunteer work groups), \$10.00 per horse, daily.

(B) Use is limited to non-profit groups and area summer camps.

(5) PERMITS FOR SPECIAL EVENTS. Permits for use of the forest for events involving large groups or special privileges and requiring staff assistance: Rate: \$1.00 per person plus the cost of staff time and equipment use involved in monitoring the permit.

(6) PERMITS FOR THE REMOVAL OF FIREWOOD, VEGETATIVE MATERIAL, ROCKS, ETC.

Fees for these items are based on the value of the material as determined by local market conditions.

(b) Payment of the appropriate fee shall be a prerequisite for the use of the public service facility or convenience provided.

(c) Unless otherwise provided in this Rule, the number of persons camping at a particular site may be limited by the forest supervisor depending upon the size of the group and the size and nature of the campsite.

(d) Reservations must be canceled 30 days prior to the event in order to receive a refund. Permit fees are non-refundable.

History Note: Authority G.S. 106-22; 106-870; 106-877;

Eff. June 14, 2010;

Transferred from 15A NCAC 09C .1257 Eff. May 1, 2012.

1 02 NCAC 60B .1031 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1031 HOURS OF OPERATION**

4 (a) Hours of operation may vary for individual forests. Hours of operation for each State Forest or Educational
5 State Forest will be posted at the forest entrance, the forest office, and on the Division's web site.

6 (b) No person except forest employees and authorized persons shall be allowed within the forest between closing
7 and opening hours except under permit.

8

9 *History Note: Authority G.S. 106-22; 106-870; 106-877;*

10 *Eff. November 1, 2009;*

11 *Transferred from 15A NCAC 09C .1258 Eff. May 1, 2012.*

12

1 02 NCAC 60B .1032 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60B .1032 ENFORCEMENT**

4 Departmental forest law enforcement officers, Forest Rangers, and sworn law enforcement may enforce these Rules.

5

6 *History Note: Authority G.S. 106-22; 106-900;*

7 *Eff. November 1, 2009;*

8 *Transferred from 15A NCAC 09C .1259 Eff. May 1, 2012.*

9

1 02 NCAC 60C .0101 is proposed for readoption with substantive changes as follows:

2
3 **SUBCHAPTER 60C - FOREST PRACTICES GUIDELINES RELATED TO WATER QUALITY**

4
5 **SECTION .0100 - GENERAL PROVISIONS**

6
7 **02 NCAC 60C .0101 INTRODUCTION AND PURPOSE**

8 (a) Forests are a major contributor to the economy and quality of the environment in North Carolina. Forestry best
9 management practices allow for the production, harvesting, and utilization of forest resources while maintaining
10 satisfactory water quality. The rules in this Subchapter establish performance standards for the protection of water
11 quality. The intent and purpose of these rules is not to cease or obstruct the lawful, proper and responsible use of
12 forest resources. Persons must adhere to the standards related to land disturbing activities in order to retain the
13 forestry exemption provided in North Carolina General Statute Chapter 113A-52.1, the N.C. Sedimentation Pollution
14 Control Act of 1973 1973, as amended in 1989.

15 (b) ~~The North Carolina Forest Service Division of Forest Resources is responsible for the protection and~~
16 ~~development of forest resources in North Carolina, and has been designated by the Secretary of North Carolina~~
17 ~~Department of Environment, Health, and Natural Resources as the Division within the Department best able to assist~~
18 ~~the Secretary in the implementation of these rules.~~ herein designated as the lead agency for administering,
19 monitoring, inspecting, and reporting on the standards in this Subchapter.

20 (c) Implementation of the standards in this Subchapter shall recognize that extreme and unusual weather can cause
21 reasonable and otherwise adequate application of protective measures to fail. Where such measures fail and the
22 resulting effect is not in compliance with a standard of this Subchapter, the responsible party(ies) shall implement
23 additional and/or more effective measures. The Forestry Best Management Practices Manual, developed and
24 published by the North Carolina Forest Service Division of Forest Resources in September, 1989, and as amended
25 from time to time, contains specifications for a variety of practices which may be used to meet the performance
26 standards set forth in this Subchapter. Best Management Practices (BMPs) ~~shall~~ should be developed and selected to
27 allow for the variation in weather, topography, soil, and vegetation expected for the site and season. ~~Implementation~~
28 ~~of these rules shall recognize that extreme and unusual weather can cause reasonable and otherwise adequate~~
29 ~~application of BMPs to fail to control sedimentation. Where installed BMPs fail, additional and more effective~~
30 ~~BMPs may be required.~~ This manual and the rules in this Subchapter may be obtained by contacting the Director,
31 Assistant Commissioner, North Carolina Forest Service Division, Division of Forest Resources, Raleigh, North
32 Carolina.

33
34 *History Note: Authority G.S. 113-3; 113-8; 106-895; 113A-52(6); 113A-52.01; 113A-52.1; 113A-61.1; 143-214.1;*
35 *143B-10;*
36 *Eff. January 1, 1990;*
37 *Transferred from 15A NCAC 011 .0101 Eff. April 1, 2014.*

1 02 NCAC 60C .0102 is proposed for readoption with substantive changes as follows:

2
3 **02 NCAC 60C .0102 DEFINITIONS**

4 In addition to the terms defined in G.S. 113-44.4 and 113A-52, the following definitions shall apply throughout this
5 Subchapter:

- 6 (1) "Accelerated Erosion" means any increase over the rate of natural erosion, as a result of land-
7 disturbing activities.
- 8 (2) "Access Road" means a temporary or permanent access ~~route~~ route upon which wheeled vehicles are
9 intended to operate with repeated passes.
- 10 (3) "Adverse Impact" as used for pesticides and fertilizers means actions which result in a violation of
11 adopted water quality standards of the Environmental Management Commission Sections 15A NCAC
12 2B .0200 - Classifications and Water Quality Standards Applicable to Surface Waters of North
13 Carolina, 15A NCAC 2L .0200 - Classifications and Water Quality Standards (related to groundwater)
14 and the N.C. Pesticide Board Rule 2 NCAC 9L .1005 - Restricted Areas.
- 15 (4) "Best Management Practice" (BMP) means a practice, or combination of practices, that is determined
16 to be an effective and practicable (including technological, economic, and institutional considerations)
17 means of preventing or reducing the amount of pollution generated by nonpoint sources to a level
18 compatible with water quality goals.
- 19 (5) "Channel" means a natural water-carrying trough cut vertically into low areas of the land surface by
20 erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
- 21 (6) "Colloidal Particles" means fine grained materials, organic or inorganic, that are easily suspended such
22 as clay particles.
- 23 ~~(7) "Ford" means a submerged stream crossing which will bear intended traffic.~~
- 24 ~~(8)(7)~~ "Ground Cover" means any natural vegetative growth or other natural or manmade material which
25 renders the soil surface stable against accelerated erosion.
- 26 ~~(9)(8)~~ "Groundwater" means phreatic water or subsurface water in the zone of saturation. "Land-Disturbing
27 Activity" means any use of the land by any person in residential, industrial, educational, institutional or
28 commercial development, highway and road construction and maintenance that results in a change in
29 the natural cover or topography and that may cause or contribute to sedimentation.
- 30 ~~(10)(9)~~ "Groundwater" means phreatic water or subsurface water in the zone of saturation. "Land-Disturbing
31 Activity" means the same as defined in North Carolina General Statute Chapter 113A-52.
- 32 ~~(11)(10)~~ "Log Deck" means a place where ~~logs are gathered in or near the forest for further transport,~~
33 ~~sometimes called a "landing".~~ harvested trees or logs are gathered or staged in or near the forest for
34 handling, sorting, merchandizing, temporary storage, and/or further transport.
- 35 ~~(12)(11)~~ "Mill Site" means any place where forest products are stored, altered, or processed.
- 36 ~~(13)(12)~~ "Permanently Stabilized" means the site is protected to the state at which no further accelerated
37 erosion is expected to occur from the ~~forestry~~ forestry-related, land-disturbing activities.

1 ~~(14)~~(13) "Pesticides" means a chemical used to kill pests. The term includes insecticides, fungicides,
2 herbicides, and rodenticides.

3 ~~(15)~~(14) "Site Preparation" means a forest activity to prepare the site for reforestation.

4 ~~(16)~~(15) "Skid Trail" means a temporary pathway principally used to drag or transport felled trees or logs or
5 other woody material to a landing, log deck or portable mill site.

6 ~~(17)~~(16) "Stream" means a body of concentrated flowing water in a natural low area of the land surface.

7 (a) "Ephemeral stream" means a stream that flows only during and for short periods following
8 precipitation and flows in low areas that may or may not have a well-defined channel.

9 (b) "Intermittent stream" means a stream that flows only during wet periods of the year (30-90
10 percent of the time) and flows in a continuous well-defined channel.

11 (c) "Perennial stream" means a stream that flows throughout a majority of the year (greater than
12 90 percent of the time) and flows in a well-defined channel.

13 ~~(18)~~(17) "Streamside Management Zone (SMZ)" means an area along both sides of intermittent streams and
14 perennial streams and along the margins of perennial waterbodies where extra precaution is used in
15 carrying out ~~forest practices~~ forestry-related, land-disturbing activities in order to protect water quality.

16 ~~(19)~~(18) "Visible Sediment" means solid particulate matter, both mineral and organic, which can be seen with
17 the unaided eye that has been or is being transported by water, air, gravity, or ice from its site of
18 origin. This does not normally include colloidal sized particles.

19 ~~(20)~~(19) "Waterbody" means a natural or man-made basin that stores water, not including jurisdictional
20 wetlands or beaver ponds.

21 ~~(18)~~(20) "Working Days" means days exclusive of Saturdays and Sundays during which weather conditions or
22 soil conditions permit land-disturbing activity to be undertaken.

23
24 *History Note: Authority G.S. ~~113-44.4~~; 113A-52; 113A-52.01; 113A-52.1;*
25 *Eff. January 1, 1990;*
26 *Transferred from 15A NCAC 011 .0102 Eff. April 1, 2014.*
27
28

1 02 NCAC 60C .0201 is proposed for readoption without substantive changes as follows:

2
3 **SECTION .0200 - PERFORMANCE STANDARDS**
4

5 **02 NCAC 60C .0201 STREAMSIDE MANAGEMENT ZONE**

6 (a) A streamside management zone (SMZ) shall be established and maintained along the margins of intermittent
7 streams and perennial streams and perennial waterbodies. The SMZ shall be of sufficient width to confine within the
8 SMZ visible sediment resulting from accelerated erosion.

9 (b) Ground cover, or other means, within the SMZ shall be sufficient to restrain accelerated erosion.

10 (c) Access roads, skid trails, except as provided in Rule .0203 of this ~~Section~~, Subchapter, logging decks and mill
11 sites shall be placed outside of SMZs. When barriers such as property lines or limiting land features prohibit the
12 location of any of these outside of SMZs, they can be located within the SMZs. When located within SMZs ~~they~~
13 there shall have be effective erosion control and sediment control structures or measures installed to restrain
14 accelerated erosion and prevent visible sediment from entering intermittent streams or perennial streams or perennial
15 waterbodies.

16
17 *History Note: Authority G.S. 113A-52.1;*
18 *Eff. January 1, 1990;*
19 *Transferred from 15A NCAC 011 .0201 Eff. April 1, 2014.*
20
21

1 02 NCAC 60C .0202 is proposed for readoption with substantive changes as follows:

2

3 **02 NCAC 60C .0202 PROHIBITION OF DEBRIS ENTERING STREAMS AND WATERBODIES**

4 Stream obstruction and the impediment of stream flow and/or degradation of water quality shall be prevented by
5 keeping soil and debris from ~~construction, harvesting, mill site residue, and site preparation~~ forestry-related, land-
6 disturbing activities out of intermittent streams and perennial streams and perennial waterbodies.

7

8 *History Note: Authority G.S. 77-13; 77-14; 113A-52.1;*

9 *Eff. January 1, 1990;*

10 *Transferred from 15A NCAC 011 .0202 Eff. April 1, 2014.*

11

12

1 02 NCAC 60C .0203 is proposed for readoption with substantive changes as follows:

2
3 **02 NCAC 60C .0203 ACCESS ROAD AND SKID TRAIL STREAM CROSSINGS**

4 Stream crossings shall be avoided when possible. Access roads and skid trails which must cross an intermittent
5 stream or a perennial streams stream or a perennial waterbodies waterbody shall be ~~constructed~~ installed so as to
6 minimize the amount of visible sediment that enters ~~the streams because of the construction,~~ that stream or
7 waterbody. These crossings shall be installed so that:

- 8 (1) stream flow will not be obstructed or impeded;
- 9 (2) no intermittent stream channel or perennial stream channel or perennial waterbody shall be used as an
10 access road or skid trail;
- 11 (3) crossings are provided with effective structures or ground cover to protect the stream banks and stream
12 channel from accelerated erosion;
- 13 (4) ~~they crossings~~ shall have sufficient water control devices to collect and divert surface flow from the
14 access road or skid trail into undisturbed areas or other control structures to restrain accelerated
15 erosion and prevent visible sediment from entering intermittent streams and perennial streams; streams
16 and perennial waterbodies; and
- 17 (5) ground cover, or other means, sufficient to prevent visible sediment from entering intermittent streams
18 and perennial streams and perennial waterbodies shall be provided within ten working days of initial
19 disturbance and will be maintained until the site is permanently stabilized.

20
21 *History Note: Authority G.S. 77-13; 77-14; 113A-52.1;*
22 *Eff. January 1, 1990;*
23 *Transferred from 15A NCAC 01I .0203 Eff. April 1, 2014.*
24
25

1 02 NCAC 60C .0204 is proposed for readoption with substantive changes as follows:

2

3 **02 NCAC 60C .0204 ACCESS ROAD ENTRANCES**

4 ~~Access road entrances intersecting public highways shall be constructed and maintained with measures, devices or~~
5 ~~techniques effective to prevent excessive soil and other debris from being carried to and deposited on the highway to~~
6 ~~the extent that sedimentation problems will result. A forest access road entrance which intersects a paved road shall~~
7 ~~be installed and maintained to prevent visible sediment or other debris from being deposited onto the paved road to~~
8 ~~the extent that the visible sediment or other debris would enter an intermittent stream or a perennial stream or a~~
9 ~~perennial waterbody.~~

10

11 *History Note: Authority G.S. 113A-52.1; 136-92.1*
12 *Eff. January 1, 1990;*
13 *Transferred from 15A NCAC 011 .0204 Eff. April 1, 2014.*

14

15

16

17

1 02 NCAC 60C .0205 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60C .0205 PROHIBITION/WASTE ENTERING**

4 **STREAMS/WATERBODIES/GROUNDWATER**

5 Measures shall be taken to prevent equipment servicing waste, petroleum, fertilizers or other chemical waste from
6 entering streams, perennial waterbodies, and groundwater which result in a violation of an adopted water quality
7 standard of the Environmental Management Commission in Sections 15A NCAC 02B .0200 - Classifications and
8 Water Quality Standards Applicable to Surface Waters of North Carolina, and 15A NCAC 02L .0200 -
9 Classifications and Water Quality Standards (related to groundwater).

10

11 *History Note: Authority G.S. 113A-52.1; 143-214.1;*

12 *Eff. January 1, 1990;*

13 *Transferred from 15A NCAC 01I .0205 Eff. April 1, 2014.*

14

15

16

17

1 02 NCAC 60C .0206 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60C .0206 PESTICIDE APPLICATION**

4 Application of pesticides shall be limited to those labeled for that intended use, shall be used in accordance with
5 labeling and rules adopted by the N.C. Pesticide Board as set forth in 2 NCAC 9L .1005, Restricted Areas, and
6 applied in a manner to prevent adverse impacts on water quality.

7

8 *History Note: Authority G.S. 113A-52.1; 143-214.1; 143-458;*

9 *Eff. January 1, 1990;*

10 *Transferred from 15A NCAC 011 .0206 Eff. April 1, 2014.*

11

1 02 NCAC 60C .0207 is proposed for reoption without substantive changes as follows:

2

3 **02 NCAC 60C .0207 FERTILIZER APPLICATION**

4 When used, fertilizers shall be applied in a manner to prevent adverse impacts on water quality.

5

6 *History Note: Authority G.S. 113A-52.1; 143-214.1;*

7 *Eff. January 1, 1990;*

8 *Transferred from 15A NCAC 011 .0207 Eff. April 1, 2014.*

9

10

1 02 NCAC 60C .0208 is proposed for readoption without substantive changes as follows:

2

3 **02 NCAC 60C .0208** **PERENNIAL STREAM TEMPERATURE**

4 Adequate shade within SMZs associated with natural perennial streams shall be retained to protect those streams
5 from adverse temperature fluctuations which result in a violation of an adopted water quality standard of the
6 Environmental Management Commission as contained in Rule 15A NCAC 02B .0211 - Fresh Surface Water
7 Classifications and Standards.

8

9 *History Note: Authority G.S. 113A-52.1; 143-214.1;*

10 *Eff. January 1, 1990;*

11 *Transferred from 15A NCAC 011.0208 Eff. April 1, 2014.*

12