

CHAPTER 60 - DIVISION OF FOREST RESOURCES

SUBCHAPTER 60A - DIVISION ORGANIZATION

02 NCAC 60A .0101 NAME AND ADDRESS

History Note: Authority G.S. 106-22; 143B-10(j);
Eff. February 1, 1976;
Amended Eff. October 2, 1978;
Readopted Eff. November 6, 1980;
Amended Eff. March 1, 1990; October 1, 1984;
Transferred from 15A NCAC 09A .0101 Eff. May 1, 2012;
Expired Eff. October 1, 2015 pursuant to G.S. 150B-21.3A.

02 NCAC 60A .0102 GENERAL PURPOSE OF THE DIVISION

(a) Organization. The division has a line-staff organization with administrative units at the state, regional, district, county and local project levels. The forest protection and management sub-program consists of several continuous activities administered through a 97-county field organization. The forest tree nursery sub-program, centered in three nursery installations, serves the entire state. The forestation sub-program conducts projects from two field headquarters with support from the entire field organization. The state forest sub-program, concentrated in six state-owned forests, provides several functions for other units of the forest service. The technical and administrative support staff sub-program, administered from the director's office serves all of the administrative units of all sub-programs.

(b) Program Scope. The division protects all non-federal forest land in the 97 counties that cooperate with the department from forest fire, insects, and disease, provides forest management and forestation services to all nonindustrial forest landowners on request; distributes nursery grown tree seedlings to all forest owners, administers the state forest system; prevents the obstructions of streams and drainage ditches in woodland areas; coordinates other state, federal, and industrial forestry programs in the state; and provides leadership in forestry policy and in legislative affairs that affect the entire forestry community.

History Note: Authority G.S. 106-22; 106-895; 106-920; 106-1001; 143B-10;
Eff. February 1, 1976;
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Amended Eff. October 1, 1984;
Transferred from 15A NCAC 09A .0102 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60A .0103 DEFINITIONS

(a) As used in this Chapter:

- (1) Applicant. Any person applying to purchase or otherwise obtain forest tree seed or seedlings from state forest tree nurseries;
- (2) Clonal Material. Vegetative material taken from forest trees in any seed orchard or from any genetically improved tree;
- (3) County Forest Ranger. A ranger who is administratively responsible for a county forestry program;
- (4) Custom Forest Services. All services which utilize approved silvicultural or protection practices to enhance or improve forest and wildlife habitat conditions, and which are performed for a fee designed to cover performance costs;
- (5) Custom Ranger. An employee of the division trained in forestry practices and equipment use;
- (6) Custom Sale. An order for forest tree seedlings accepted prior to the sowing of seed in the nursery;
- (7) District Forester. A forester employee of the division who is responsible for a district unit of the field organization which comprises a group of county programs;
- (8) Department. The Department of Natural Resources and Community Development;
- (9) Director. The Director of the Division of Forest Resources;

- (10) Division. The division of forest resources of the Department of Natural Resources and Community Development;
- (11) Fire Boss. A forest ranger who has official tactical direction of forest fire suppression activities on an individual fire;
- (12) Forest Law Enforcement Officer. Any person holding the legal appointment of forest law enforcement officer;
- (13) Forest Practices. Any activity conducted on forest land for the purpose of growing, harvesting, or processing timber, including, but not limited to:
 - (A) road and trail construction and maintenance,
 - (B) harvesting,
 - (C) precommercial thinning,
 - (D) reforestation,
 - (E) fertilization,
 - (F) prevention and suppression of disease and insect attacks,
 - (G) salvage of trees,
 - (H) brush control,
 - (I) prescribed burning,
 - (J) fire control presuppression measures;
 Forest practices in this context does not include preparatory work, such as tree marking, surveying, and road flagging, nor does it include removal or harvesting of incidental vegetation from forest lands, such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot ordinarily be expected to result in damage of forest soils, timber, or public resources;
- (14) Forest Ranger. Any person holding the legal appointment as a forest ranger;
- (15) Forestation Ranger. A supervisory employee of the division's custom forestry program trained in forestry practices and equipment use;
- (16) Local County Forest Ranger. A ranger responsible for division program activities in a geographically identifiable area, but not necessarily restricted to the county forest ranger;
- (17) Management Forester. A forester employee of the division whose primary duty assignments are in the forest management program;
- (18) Nursery and Tree Improvement Forester. A forester employee of the division who is responsible for the nursery and tree improvement programs;
- (19) Person. Any natural person, corporation, company, association, joint stock association, firm or co-partnership;
- (20) Secretary. The Secretary of the Department of Natural Resources and Community Development;
- (21) Staff Committee. An appointed group of staff employees of the department with a specific assignment of authority and responsibility over and above the regular work assignments of the individual employees.

(b) The definitions and terms used in this Chapter are developed to provide a clear meaning of each term. All technical forestry terms are in agreement with the terminology as detailed in "Terminology of Forest Science, Terminology Practice and Products," Washington, D.C., Society of American Foresters, 1971.

(c) Other definitions relating to specific sections are included in 15A NCAC 09C .0802 and .0901.

*History Note: Authority G.S. 106-22; 143B-10(j);
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SUBCHAPTER 60B - DIVISION PROGRAMS

SECTION .0100 - ADMINISTRATION

02 NCAC 60B .0101 COUNTY COOPERATION: FISCAL ASPECTS

The funding provided by each county is negotiated based on available state funds and a percentage rate determined from a tax valuation scale jointly developed by the Department and the North Carolina Association of County Commissioners.

History Note: Authority G.S. 106-22; 106-898; 106-877;
Eff. February 1, 1976;
Amended Eff. October 2, 1978;
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Readopted Eff. April 1, 2018.

02 NCAC 60B .0102 COUNTY FOREST RANGER EMPLOYMENT

History Note: Authority G.S. 106-22; 106-898; 143B-10(j);
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 09C .0102 Eff. May 1, 2012;
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02 NCAC 60B .0103 USE OF DIVISION OF FOREST RESOURCES TRAINING FACILITIES

(a) The training facilities satisfy the needs of the division and those of cooperating agencies that share parallel program objectives. The training facilities serve the following uses:

- (1) Primary uses:
 - (A) local division unit training;
 - (B) statewide division meetings; and
 - (C) staff conferences called by the director.
- (2) Secondary uses:
 - (A) department meetings;
 - (B) training meetings of state educational institutions, including such institutions in immediately adjoining states;
 - (C) training meetings of local cooperating agencies sharing common program objectives with the division; and
 - (D) special uses approved by the director.

(b) The regional forester, or his designee, shall approve use of the facility in his region.

(c) The regional forester shall operate and maintain the facilities in his region.

(d) Units using the facilities shall pay a predetermined fee designed to cover actual cost of material services and based on the type of use.

History Note: Authority G.S. 106-22; 143B-10(j);
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

SECTION .0200 - FOREST FIRE CONTROL

02 NCAC 60B .0201 BURNING PERMITS FOR FOREST FIRE PREVENTION: CANCELLATION

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

(b) When the Commissioner determines that hazardous conditions exist, a partial ban on special permits may be declared on the counties where permits are required at all times. During the period of a partial ban on special permits in the counties identified in G.S. 106-942, an forest ranger may cancel or refuse to issue a special permit for individual land clearing burning that constitutes a specific fire hazard. The forest ranger may extinguish fires already burning that constitute a danger to adjoining woodlands.

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

History Note: Authority G.S. 106-22; 106-944; 106-946;
Eff. February 1, 1976;
Amended Eff. October 2, 1978;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 1982;
Transferred from 15A NCAC 09C .0203 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.

02 NCAC 60B .0202 SUMMONING FIRE FIGHTERS

History Note: Authority G.S. 106-22; 106-899; 143B-10(j);
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 09C .0204 Eff. May 1, 2012;
Repealed Eff. April 1, 2018.

02 NCAC 60B .0203 FOREST OWNERSHIP MAPS

History Note: Authority G.S. 106-22; 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 09C .0205 Eff. May 1, 2012;
Expired Eff. October 1, 2015 pursuant to G.S. 150B-21.3A.

02 NCAC 60B .0204 RURAL FIRE DEPARTMENT FUNDING

The U.S. Secretary of Agriculture allocates funds to the states through the U.S. Forest Service. The funds for North Carolina are allocated to rural fire departments by the Division of Forest Resources using federal guidelines. The following procedure is used to allocate grants:

- (1) The division notifies all fire departments listed by the Insurance Commissioner's office of fund availability and of eligibility requirements.
- (2) A staff committee is appointed by the Director of Forest Resources to evaluate and approve requests in conformance with legislative intent of the program as set forth in the National Guidelines promulgated by the U.S. Forest Service.
- (3) All requests are received, evaluated and priorities established using an evaluation system that conform to federal guidelines.
- (4) Upon approval fire departments are notified of the amounts allocated to them from the funds available to North Carolina.
- (5) Fire departments which are not funded are also notified and given reasons why they did not receive an allocation.

History Note: Authority G.S. 106-22; 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984;

*Transferred from 15A NCAC 09C .0206 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

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

*History Note: Authority G.S. 106-22; 106-899; 143B-10(j);
Eff. February 1, 1976;
Amended Eff. October 2, 1978;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984; August 1, 1982;
Transferred from 15A NCAC 09C .0207 Eff. May 1, 2012;
Repealed Eff. April 1, 2018.*

SECTION .0300 - PEST CONTROL

02 NCAC 60B .0301 DETECTION PROCEDURES

The division maintains continuous surveillance to monitor threats and potential threats to the forest from destructive insect and disease organisms. Landowners and interested parties are notified when such threats occur.

*History Note: Authority G.S. 106-22; 106-920; 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Transferred from 15A NCAC 09C .0302 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0302 CONTROL ACTIONS AND LIMITATIONS

*History Note: Authority G.S. 106-22; 106-920;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Transferred from 15A NCAC 09C .0304 Eff. May 1, 2012;
Repealed Eff. April 1, 2018.*

02 NCAC 60B .0303 TECHNICAL ADVICE AND ASSISTANCE

The division offers technical advice and assistance on forest pest problems to landowners, firms, municipalities and other state and federal agencies. Advice and assistance on yard and shade tree pests is given incidental to other program activities and subject to the availability of time. Yard and shade tree owners are encouraged to seek assistance from qualified commercial operators.

*History Note: Authority G.S. 106-22; 106-920; 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Transferred from 15A NCAC 09C .0305 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

SECTION .0400 – FOREST MANAGEMENT

02 NCAC 60B .0401 REFERRALS AND LIMITATIONS

The forest management program provides forestry services to landowners and forest product operators in order to bring more forest land into active management. Accomplishment of this objective requires that all sources of assistance be used including those of private consulting foresters and other natural resource professionals. The referrals to consulting foresters and the limitations of the North Carolina Forest Service services are as follows:

- (1) Whenever economic considerations and the landowner's objectives reveal that assistance by a private forester is more beneficial, the landowner shall be referred to a consulting forester or other natural resource professionals. The determination to refer shall be based upon a discussion with the landowner and examination of their forest land. If services needed or desired are not offered by the Department, it shall be recommended to the landowner that a consulting forester be employed. When any referral is made, a list of consulting foresters shall be furnished to the landowner. To be added to the list of consulting foresters, a person shall fill out an application found on the website (http://www.ncforestservation.gov/contacts/pdf/cf/CF_Questionnaire2.pdf) with their name, forestry NC Forester Registration Number, name of firm, mailing address, telephone number, school attended, and forestry activities offered.
- (2) Forest Management services may be limited pursuant to 02 NCAC 60B .0804.

History Note: Authority G.S. 106-22; 106-1002;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0401 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.

02 NCAC 60B .0402 TECHNICAL SERVICES

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

- (1) Services provided without charge:
 - (A) examination of a forest tract (accompanied by the owner or agent) where general information is provided;
 - (B) recommendation of forest management systems that meet the desires and objectives of the owner, that are compatible with good forestry practices, and that protect the environment;
 - (C) practice plan preparation that includes specific recommendations to promote active forest management;
 - (D) assistance in locating markets for timber and other forest products (pine straw, chips);
 - (E) assistance to operators and processors in locating raw material supplies and markets for their products; and
 - (F) quality control checks and inspections of forestry operations.
- (2) Services provided for a fee:
 - (A) marking and estimating timber for partial harvest or for other silvicultural purposes;
 - (B) custom forestry services such as site preparation, prescribed burning, tree planting, as set forth in G.S. 106-1001(b); and
 - (C) forest management and stewardship plan preparation and recommendation of forest management systems that meet the desires and objectives of the owner, that are compatible with good forestry practices, and that protect the environment.

(b) Services not furnished by the Division. Requests for the following services shall be referred to consulting foresters:

- (1) timber cruises and estimation of timber volume or value made for timber sale or inventory purposes;
- (2) damage appraisals, except by court order;
- (3) trespass investigations, except by court order;
- (4) quotation or establishment of prices on stumpage or cut timber; and
- (5) property line location and marking.

History Note: Authority G.S. 106-22; 106-1001;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0402 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.

SECTION .0500 - FOREST TREE SEEDLINGS

02 NCAC 60B .0501 PURPOSE

Nursery and tree improvement programs produce and distribute forest tree seedlings to landowners of the state as a part of the forestation program administered by the department.

History Note: Authority G.S. 106-22; 106-1011; 143B-10;
Eff. February 1, 1976;
Amended Eff. October 2, 1978;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 09C .0501 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0502 TREE SEEDLING PRICES

Tree seedlings are grown in the nurseries for 9 to 48 months, depending upon species, prior to sale. Seedling and seed prices shall be determined on the basis of estimated costs of production and volume of sales. The secretary sets seedling prices annually. Prices shall be listed in printed price list.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; December 1, 1985; October 1, 1984;
Transferred from 15A NCAC 09C .0503 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0503 PRICES OF SURPLUS SEEDLINGS AND SEED SOLD TO OTHER STATES

The director may sell surplus forest tree seedlings or seed to other states at a negotiated price based upon the price structure of the purchasing state when he determines that such action is in the best interest of the State of North Carolina.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Transferred from 15A NCAC 09C .0505 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0504 REDUCTION OF ORDERS AND ESTABLISHING APPLICATION DEADLINES

- (a) When the director anticipates a shortage in tree seedling or seed supply, he may place a maximum limit on the numbers of trees available to each applicant and may establish deadlines for receipt of seedling applications.
- (b) The division shall notify applicants in writing of reduced orders.
- (c) The division shall notify applicants of application deadlines through its field organizations.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. October 1, 1984;
Transferred from 15A NCAC 09C .0506 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0505 CUSTOM SALE OF TREE SEEDLINGS

Applicants may order tree seedlings prior to the sowing of seed in the nursery. The nursery and tree improvement forester may accept such custom orders. The Nursery and Tree Improvement Forester shall evaluate each request for custom orders, considering the nursery production capacity and capability to fulfill the request. A review of past credit payment records or credit reference shall be conducted prior to executing a custom sales agreement. The Director shall require 50% of the contract price, non-refundable, at the time the custom agreement is executed when he has reason to believe that economic conditions may cause a default in purchase of total contracted number of seedlings.

*History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0507 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0506 APPLICATION FOR TREE SEEDLINGS OR SEED

Applicants for forest tree seedlings or seed shall complete a seedling or seed order form or other means developed by the Division. These can be obtained from the department; the division's local offices or from the Division's Webpage. The form includes information concerning species, prices, terms of sale, delivery dates, types of applicant ownership, and uses of trees.

*History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0508 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0507 PAYMENT FOR TREE SEEDLINGS

All applications shall include full payment unless the nursery and tree improvement forester has approved the applicant's credit after a review of the applicant's past credit payment record or credit reference.

- (1) If the applicant has no record of default or late payment, no deposit shall be required.
- (2) If there is a history of late payment of invoices, a 25% deposit of the total sales price shall be required.
- (3) If there is a history of non-payment of invoices, credit shall not be approved without a letter of credit from a financial institution and shall require a 50% deposit of the total sales price.
- (4) If there is no past payment history a letter of credit from a financial institution shall be required.

The Director shall waive collection of under payments of five dollars (\$5.00) or less and refunds of over payments of five dollars (\$5.00) or less, unless a refund is requested.

*History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Amended Eff. October 5, 1977;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; August 1, 1988; October 1, 1984;
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02 NCAC 60B .0508 FORFEITURE OF PAYMENT FOR LATE CANCELLATION

The division must guarantee sales in advance because tree seedling nurseries must cover costs of production from seedling sales. Therefore, any orders cancelled after December 31 for bareroot seedlings and September 1 for container seedlings shall result in forfeiture of total payment by the applicant.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Amended Eff. October 5, 1977;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; August 1, 1998; October 1, 1984; January 15, 1981;
Transferred from 15A NCAC 09C .0511 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0509 DISPOSITION AND PROCESSING OF TREE SEEDLING ORDERS

The Division shall fill all tree seedlings orders as received and shall notify applicants when depleted seedling supply prevents acceptance or completion of their orders.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Amended Eff. March 21, 1980; October 5, 1977;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; August 1, 1988; December 1, 1985; October 1, 1984;
Transferred from 15A NCAC 09C .0512 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0510 AUTHORITY TO PRODUCE CHRISTMAS TREE SPECIES

- (a) The division produces seedlings of Fraser fir and other species suitable as Christmas trees in its nurseries.
- (b) The division will sell Fraser fir seedlings to applicants for planting in counties that are ecologically suitable. These counties are: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, and Yancey.
- (c) For experimental planting, the division will sell Fraser fir seedlings to applicants in any county of the state.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Amended Eff. October 5, 1977;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 1988; October 1, 1984;
Transferred from 15A NCAC 09C .0513 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0511 EXCHANGED AND DISTRIBUTION OF CLONAL MATERIAL

The division may release clonal material, vegetative cuttings made from any seed orchard or from genetically improved trees, when the Forest Management and Forest Development Section Chief, determines that such release furthers the state's tree improvement program. The following procedures govern release:

- (1) Written requests state the intended use of the material.
- (2) The person making the request agrees to comply with all quarantine regulations in the shipment of the material.
- (3) The person making the request agrees not to release any material to a third person.
- (4) Before the release of material, the person requesting material must have an orchard management plan approved by a college of forestry or Division of Forest Resources forest geneticist.

History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0515 Eff. May 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0512 STORAGE FEES

(a) Seedlings - The Director shall charge a storage fee for containerized seedlings stored after December 15th and bareroot seedlings stored after May 15th when storage coolers are at 80% or greater capacity. The storage fee shall be a monthly fee of 1.5%, or a prorata share thereof, of product value as per current published price list, assessed on the value of the seedlings left in storage after the above dates.

(b) Seed - The Director shall charge a storage fee if seeds are stored for a period of longer than 30 days. The storage fee shall be a monthly fee of ten cents (\$.10) per pound of seed. The Director shall waive this fee if the seeds are stored for custom seedling production.

*History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. August 1, 2002;
Transferred from 15A NCAC 09C .0516 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0513 HUNTING

Hunting restricted. No person shall hunt any wild bird or wild animal on state nursery property, orchard sites or seed production areas except for:

- (1) predator control under the direction of the nursery supervisor or tree improvement supervisor; and
- (2) those areas enrolled in game lands.

In those cases where hunting is authorized, firearms shall be restricted to shotguns and archery.

*History Note: Authority G.S. 106-22; 106-878(c); 143B-10;
Eff. August 1, 2002;
Transferred from 15A NCAC 09C .0517 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

SECTION .0600 - CUSTOM FORESTRY SERVICES

02 NCAC 60B .0601 DEFINITION OF TERMS

As used in this Section "custom forestry services" means silvicultural practices designed to enhance forest and wildlife habitat conditions that the Division of Forest Resources (Division) performs for a fee.

*History Note: Authority G.S. 106-22; 106-1001; 143B-10;
Eff. February 1, 1976;
Amended Eff. October 2, 1978;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0602 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0602 APPLICATION FOR SERVICES

Persons may apply for custom forestry services directly to local offices of the division.

*History Note: Authority G.S. 106-22; 106-1001; 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Transferred from 15A NCAC 09C .0603 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0603 FEES FOR SERVICES

*History Note: Authority G.S. 106-22; 106-1001;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0604 Eff. May 1, 2012;
Repealed Eff. April 1, 2018.*

02 NCAC 60B .0604 CONTRACTS FOR SERVICES

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

- (1) landowner contracts executed when the Department performs services for individual landowners or agencies;
- (2) rental contracts executed when the Department rents specialized forestry equipment to contracting firms, companies, or individuals; or
- (3) sub-contracting contracts shall be executed when the Department sub-contracts custom services to sub-contractors.

*History Note: Authority G.S. 106-22; 106-1001;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002; October 1, 1984;
Transferred from 15A NCAC 09C .0605 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.*

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

Custom services shall be sub-contracted to a third person when the Director deems the action in the best interest of the State to promote participation of private enterprise in custom forestry services, to expedite work accomplishment, and to expand the custom forestry services capability of the Division.

*History Note: Authority G.S. 106-22; 106-1001; 143B-10;
Eff. February 1, 1976;
Readopted Eff. November 6, 1980;
Amended Eff. August 1, 2002;
Transferred from 15A NCAC 09C .0606 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.*

SECTION .0700 – FOREST DEVELOPMENT PROGRAM

02 NCAC 60B .0701 ADMINISTRATION OF PROGRAM

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

- (1) Any eligible landowner may apply for program cost-sharing funds.
- (2) Application may be made by completing the application forms. A management plan relating to the application shall be on file with the North Carolina Forest Service before the application may be accepted. Applications shall include identifying information from the landowner and consultant, a description of the practices needed, acres needed, practice rate, and applicant signature.

(b) The Commissioner or his or her designee shall review submitted applications requesting program funding. Applicants who start or complete their project without prior Division approval shall not be eligible to receive funding.

(c) The Commissioner may designate a portion of funds for practices designed to encourage reforestation at reduced costs or for other purposes in designated areas. This designation by the Commissioner shall be made in writing prior to the beginning of the fiscal year.

- (d) G.S. 106-1016 limits a landowner to 100 acres of cost-share funding approval per fiscal year. Cost-share paid out in any one fiscal year may include funds approved in previous fiscal years.
- (e) Cost-sharing payments shall be made upon certification by the Division following completion of the practice(s) as prescribed in the management plan. Determination of completion shall include an assessment of installed practices in relation to the requirements outlined in the management plan, installation of appropriate best management practices to ensure soil protection and water quality, and assurance that the installed practice is in compliance with any environmental regulations found in Article 4, G.S. 113A.
- (f) Allocated funding for approved applications shall be withdrawn as follows:
- (1) Funds may be withdrawn at the end of the first fiscal year in which the funds were allotted if no work has been started. The landowner shall provide documentation to the Division for funds availability to continue into a second year.
 - (2) Funds allocated may be withdrawn at the end of the second fiscal year if the practices have not been completed.
 - (3) A 12-month extension may be granted by the Division when a project cannot be completed due to circumstances beyond the control of the landowner, including adverse weather conditions or unavailability of contractors.
- (g) Eligible landowners may appeal disagreements, disapproval of applications, or decisions on unsatisfactory completion of silvicultural or environmental practices.

History Note: Authority G.S. 106-22; 106-1010; 106-1011; 106-1015; 106-1018; Eff. August 8, 1978; Amended Eff. August 1, 2002; July 1, 1986; October 1, 1984; August 1, 1982; January 15, 1981; Transferred from 15A NCAC 09C .0902 Eff. May 1, 2012; Readopted Eff. April 1, 2018; Amended Eff. February 1, 2019.

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

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

- (1) Site Preparation. Preparation of a site for planting, seeding, or natural regeneration of a commercial forest tree species. Site preparation may be accomplished by the following sub-practices used singularly or in combinations:
 - (a) Burning. The use of prescribed fire for the purpose of site preparation;
 - (b) Chopping. The use of a machine-pulled chopper to crush and chop non-merchantable trees, brush, and other debris for the purpose of site preparation;
 - (c) Discing. The use of a machine-pulled disc to crush and destroy non-merchantable trees, brush, and other debris for the purpose of site preparation;
 - (d) KG/V-Blade Shear. The use of a sharp-edged, angled blade (KG or V-Blade) mounted on a tractor to shear non-merchantable trees and brush for the purpose of site preparation;
 - (e) KG and Pile. The use of a sharp-edged, angled blade (called KG-Blade) mounted on a tractor to shear non-merchantable trees and brush for the purpose of site preparation; this sheared material and other debris are pushed into piles or windrows;
 - (f) Rake & Pile. The use of a toothed, rake-type blade mounted on a tractor to push logging debris, but not roots or soil, into piles or windrows;
 - (g) Bedding (Single or Double). The use of a bedding plow pulled by a tractor to prepare a bed or ridge for the purpose of site preparation;
 - (h) V-Blade Bedding. The use of a sharp angled blade (not a KG-Blade) mounted on a tractor to shear non-merchantable trees and brush and a bedding plow pulled by a tractor to prepare a bed or ridge for the purpose of site preparation in a single pass operation;
 - (i) Furrowing. The use of a plow pulled by a tractor to prepare a shallow trench or furrow to reduce competing vegetation for the purpose of site preparation;
 - (j) Chemical Control-Site Preparation. The use of aerial or ground chemical applications to reduce competing vegetation for the purpose of site preparation; or
 - (k) Other. The use of hand tools or other machines to destroy or reduce competing vegetation for the purpose of site preparation.
- (2) Tree Planting or Seeding. Planting seedlings or applying seed to establish a commercial forest stand includes the following:

- (a) Hand Planting. The use of planting bars or other hand tools to plant forest tree seedlings;
 - (b) Machine Planting. The use of a planting machine to plant forest tree seedlings; or
 - (c) Machine Plant – Chemical. The combined use of a planting machine to plant forest tree seedlings and application equipment to apply herbicides to reduce competing vegetation in a single pass operation.
- (3) Tree Planting Followed by Site Preparation. Tree planting followed by the use of a herbicide treatment; within one year after planting.
- (4) Release of Seedlings. Reducing or eliminating unwanted vegetation that is competing with the established reproduction of desired tree species to ensure adequate regeneration (at least 300 seedlings) of a commercial timber species. Release of seedlings may be accomplished by one of the following treatments:
- (a) Chemical Control-Release. The use of herbicides, applied from the air or ground, to reduce competing vegetation for the purpose of releasing desirable reproduction; or
 - (b) Mechanical Control. The use of hand tools or machines to reduce competing vegetation for the purpose of releasing desirable reproduction.
- (5) Forest Stand Improvement. Practices that improve tree growth and overall forest health to insure maximum growth potential of forest stands to commercial production levels. The practices listed in this Subparagraph and approved for reimbursement will improve immature forest stands for silvicultural purposes:
- (a) Understory Release. Complete removal or deadening of older trees or saplings that have no merchantable value, to improve growing conditions for desirable tree species;
 - (b) Release of Seedlings. A mechanical or chemical treatment designed to free young trees from undesirable, usually over-topping, competing vegetation;
 - (c) Cull-tree Removal. Complete removal or deadening of trees having no merchantable value because of defects or inferior species. Differs from understory release in that removal is to favor growth on remaining established poles and small sawtimber of better quality and species. This treatment is used only in stands beyond the sapling size class;
 - (d) Crop Tree Crown Release. Removal or deadening of cull trees and other undesirable trees to release the crowns of crop trees with commercial value. Crop trees are high value species, which are dominant or co-dominant in position and are well-formed and free of major forest insects and diseases. Cull trees are trees that have little or no economic value due to poor form or presence of insects or disease. Less desirable trees have poorer growth characteristics or are in poorer condition than the crop trees;
 - (e) Non-Commercial Thinning. A felling, deadening, or removal of immature trees in a stand (predominately seedlings and saplings) that reduces the stem density to accelerate growth and improve the health and form of the remaining trees;
 - (f) Prescribed Burning. The use of fire in a manner that provides silvicultural or forest health benefits; or
 - (g) Forest Fertilization. The addition of nutrient elements to the soil at establishment or mid-rotation to overcome nutrient deficiencies to increase tree growth rates on appropriate sites.

History Note: Authority G.S. 106-22; 106-966; 106-1011; 106-1013; 106-1018; Eff. August 8, 1978; Amended Eff. November 1, 2006; August 1, 2002; October 1, 1984; Transferred from 15A NCAC 09C .0903 Eff. May 1, 2012; Readopted Eff. April 1, 2018.

SECTION .0800 - URBAN AND COMMUNITY FORESTRY

02 NCAC 60B .0801 DEFINITIONS

Unless the context otherwise requires, the terms as used in this Section are defined as follows:

- (1) "Urban and community forestry" can be defined as the protecting, developing, and managing groups or stands of trees and related plant communities in suburban or metropolitan areas to:
 - (a) enhance the natural beauty;
 - (b) help abate city noises;

- (c) modify local temperatures;
- (d) help reduce air pollution;
- (e) provide natural areas for recreation;
- (f) provide food, cover, and habitat for wildlife;
- (g) help maintain watersheds for quantity production of quality water;
- (h) reduce soil erosion and stream sedimentation;
- (i) efficiently utilize forest products produced in the urban areas;
- (j) provide protection from insects, diseases and other harmful agents;
- (2) Community and Urban Area Recipients. Qualifying municipal and local governments with a population of less than 50,000 according to the latest census known to the urban area or community, and settlements containing 100 or more families who:
 - (a) express an interest in program discussion,
 - (b) establish a local tree ordinance, and
 - (c) appoint a tree board;
- (3) Public Recipients. Recipients include federal and state agencies and educational institutions;
- (4) Private Recipients. Private organizations; utilities; private corporations and consultants; contractors, developers and owners of residential and commercial property; homeowner associations; individual homeowners and tenants may receive technical services through the tree board;
- (5) "Secretary" shall mean the Secretary of the Department of Natural Resources and Community Development;
- (6) "Department" shall mean the Department of Natural Resources and Community Development;
- (7) "Program" shall mean the urban and community forestry program as defined and described in this Section;
- (8) "Tree board" shall mean local governing body, tree board, appearance committee or other official group assigned jurisdiction for administration of a tree ordinance by the local governing body; It may be a committee, sub-committee or other official group with similar interests. A tree ordinance will totally or in part delineate requirements for street trees, place regulatory power over street trees on the lands of the municipality, set protection standards for maintenance and care of trees, govern private trees deemed a nuisance or a hazard to adjacent private or public property, and serve as a policy statement for the community or urban area.

*History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);
 Eff. August 8, 1978;
 Transferred from 15A NCAC 09C .1001 Eff. May 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0802 OBJECTIVE

The objective of the urban and community forestry program is to provide technical assistance and services with respect to the protection, improvement, management, establishment and utilization of trees and shrubs in urban areas, communities and open spaces for the improvement of the beauty and livability of the urban environment. This requires that all avenues of assistance be used, including other governmental agencies, industry and the private sector, and that certain limitations be imposed on services offered.

*History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);
 Eff. August 8, 1978;
 Transferred from 15A NCAC 09C .1002 Eff. May 1, 2012;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0803 ORGANIZATION

(a) This program is administered by the department's division of forest resources. Personnel administering the program may be contacted at:

- (1) P.O. Box 27687
 Raleigh, North Carolina 27611

(2) Street address: 512 North Salisbury Street
Raleigh, North Carolina.

(b) The program will cooperate with and complement the department's ongoing program of local planning and management provided through the division of community assistance.

(c) Services may be provided by other public agencies when it is in the best interests of total program and total service delivery to complement the program and obtain assistance from other agencies. Specific opportunities exist to obtain assistance from forestry extension, and possibly other agencies.

*History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);
Eff. August 8, 1978;
Transferred from 15A NCAC 09C .1003 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

02 NCAC 60B .0804 LIMITATION OF SERVICES

(a) The Commissioner or designee may limit services to a designated number of person days per year taking into account factors such as the number and priority of outstanding requests and resource availability.

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

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

*History Note: Authority G.S. 106-22; 106-1001; 106-1011;
Eff. August 8, 1978;
Transferred from 15A NCAC 09C .1004 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.*

02 NCAC 60B .0805 PROCEDURES

*History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);
Eff. August 8, 1978;
Transferred from 15A NCAC 09C .1005 Eff. May 1, 2012;
Repealed Eff. April 1, 2018.*

02 NCAC 60B .0806 TECHNICAL ASSISTANCE AND SERVICES

Division of forest resources' personnel will provide technical assistance and services in the following areas:

- (1) Planning. Assistance will include conducting street tree inventories and crown analyses as a basis for developing plans for propagation, planting and transplanting, maintenance, protection, removal, and utilization of urban trees. Assistance will also include guidance in development of ordinances and coordination with other agencies or individuals who may contribute to the total effort;
- (2) Insect and Disease Management. Detection, evaluation, prevention and/or suppression of insects, diseases and other hazards affecting trees and shrubs in urban areas;
- (3) Planting. Selection of species, determinations of spacing and location, and training in methods and techniques of planting and transplanting;
- (4) Maintenance and Care. Advice and training in the proper maintenance of trees and shrubs, including watering, fertilizing, pruning, mulching, and the use of systemics and growth regulators;
- (5) Development of Forest Land. Technical advice for the protection of environment during construction for residential, commercial, industrial, and public use; Advice will include factors affecting woody plants such as drainage patterns, erosion, excavations, fills, and mechanical damage. Assistance will also include recommendations for plantings to minimize erosion, provide noise and wind buffers, provide shade and screening, enhance wildlife habitat, and improve environmental quality by other means;

- (6) Sanitation and Utilization. Technical assistance concerning removal of trees, referrals to tree removal services and advice on disposition of the felled trees; Technical assistance will also include advice concerning utilization and marketing of logs, fuelwood chips and other wood and paper waste. Technical advice may also include the effective use of wood material as an energy source.

History Note: Authority G.S. 106-22; 106-1001; 143B-10(j);
Eff. August 8, 1978;
Transferred from 15A NCAC 09C .1006 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0807 AMERICA THE BEAUTIFUL GRANT PROGRAM

History Note: Authority G.S. 106-22; 143B-10(j);
Temporary Rule Eff. May 31, 1991 for a Period of 180 Days to Expire on November 27, 1991;
ARRC Objection Lodged June 21, 1991;
Eff. November 1, 1991;
Transferred from 15A NCAC 09C .1007 Eff. May 1, 2012;
Expired Eff. October 1, 2015 pursuant to G.S. 150B-21.3A.

SECTION .0900 – N.C. PRESCRIBED BURNING ACT

02 NCAC 60B .0901 BURNER CERTIFICATION

The North Carolina Forest Service, shall conduct a Certified Burner program composed of the following:

- (1) A candidate shall attend and complete a prescribed burn school consisting of instruction on: The Prescribed Burning Act, weather, fuels, smoke management, firing techniques and planning, executing and mopping up the burn; a field trip to examine burn sites before and after burning; and a written test.
- (2) In order to be certified, a candidate, shall conduct a prescribed burn under the observation of a certified burner. The candidate shall submit to NCFS a completed NCFS Certified Burner checkoff sheet with name, address, email address, county, phone number, date and location of prescribed burn school attended, and burn observation. The checkoff sheet shall be signed by a Certified Burner and may be found at http://ncforestservice.gov/fire_control/pdf/NC_Certified_Burner_Certification_Checkoff_Sheet.pdf.
- (3) Successful candidates shall receive both a numbered certificate and pocket card.

History Note: Authority G.S. 106-22; 106-969; 106-1001; 106-1011;
Temporary Adoption Eff. January 12, 2000;
Eff. April 1, 2001;
Transferred from 15A NCAC 09C .1102 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.

02 NCAC 60B .0902 FOREST LAND

G.S. 113 Article 4E and the rules in this Section only apply to the burning of forest lands as defined below. Forest land is land 10% or more stocked with trees, including land which formerly had tree cover that will be reforested. Minimum size for forest land is one acre. Minimum strip width is 120 feet. This act does not apply to brush piles, windrows or land clearing debris.

History Note: Authority G.S. 106-22; 106-969; 106-1001; 143B-10;
Temporary Adoption Eff. January 12, 2000;
Eff. April 1, 2001
Transferred from 15A NCAC 09C .1103 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

02 NCAC 60B .0903 PRESCRIPTION FILING

Prior to each prescribed burn, the burner must file a copy of the fully completed prescription for that burn with an employee of DFR. This employee shall note the date and time the prescription was received, sign the prescription and forward it to the local DFR district office. DFR shall retain these prescriptions for five years.

*History Note: Authority G.S. 106-22; 106-969; 106-1001; 143B-10;
Temporary Adoption Eff. January 12, 2000;
Eff. April 1, 2001;
Transferred from 15A NCAC 09C .1104 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
19, 2015.*

SECTION .1000 - STATE FORESTS

02 NCAC 60B .1001 SCOPE

(a) This Section coordinates the use of the North Carolina Forest Service's State Forests, State Recreational Forests, and Educational State Forests. In keeping with the North Carolina Forest Service's mission to protect, manage, and promote forest resources for the citizens of North Carolina, each State Forest, State Recreational Forest, and Education State Forest shall have a mission statement and shall be managed sustainably.

(b) All rules of this Section are effective within and upon all State Forests, State Recreational Forests, and Educational State Forests.

*History Note: Authority G.S. 106-22; 106-870; 106-877;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1228 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
19, 2015;
Amended Eff. September 1, 2021.*

02 NCAC 60B .1002 DEFINITIONS OF TERMS

As used in this Section the following terms have the following meanings:

- (1) "Bike Trail" means any road or trail maintained for bicycles.
- (2) "Bridle Trail" means any road or trail maintained for persons riding on horseback.
- (3) "Commissioner" means the Commissioner of the North Carolina Department of Agriculture and Consumer Services.
- (4) "Department" means the North Carolina Department of Agriculture and Consumer Services.
- (5) "Educational State Forest" refers to any State Forest property operated by the North Carolina Forest Service for the purpose of educating schoolchildren and the public.
- (6) "Emergency Aircraft" means aircraft operated by an emergency response agency.
- (7) "Forest Supervisor" means an employee of the North Carolina Forest Service who is a forest supervisor and provides supervision to other North Carolina Forest Service employees of the forest.
- (8) "Group" means a number of individuals related by a common factor, having structured organization, defined leadership, and activities directed by a charter or written bylaws.
- (9) "Hiking Trail" means any road or trail maintained for pedestrians.
- (10) "Multi-use Trail" means any road or trail maintained for use by the following: horseback riding, bicycle riding, and hiking or other foot traffic.
- (11) "Hunting" means the lawful hunting of game animals as defined by the North Carolina Wildlife Resources Commission.
- (12) "Motorized vehicle" means any vehicle which is self-propelled, or which is pulled by a self-propelled vehicle, such as a camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. A self-propelled vehicle shall include passenger automobiles, mopeds, off-road vehicles (ORV), golf carts, motorcycles, mini-bikes, all-terrain vehicles, 2 or 3 wheeled personal transporters, battery assisted bicycles (E-Bikes), and go-carts. "Motorized vehicle" does not

include accommodations made in accordance with the Americans with Disabilities Act of 1990 and Chapter 168A of the North Carolina General Statutes.

- (13) "Registered Motor Vehicle" is any vehicle that has been legally registered and tagged from a state department of motor vehicles or department of transportation.
- (14) "Permit" means any written license issued by or under the authority of the North Carolina Forest Service or Department permitting the performance of a specified act or acts.
- (15) "Permittee" means any person, corporation, company, or association in possession of a valid permit.
- (16) "Person" means any individual, firm, partnership, corporation, company, association, public or private institution, political subdivision, or government agency.
- (17) "Public building" means a climate-controlled structure primarily for human habitation or use, and does not include barns, shelters, or sheds.
- (18) "Public nudity" means a person's intentional failure to cover with an opaque covering the person's genitals, pubic area, anal area, or areola on female breasts except for breastfeeding while in a public place.
- (19) "State Recreational Forest" is a State Forest designation that refers to any State Forest property operated by the North Carolina Forest Service primarily for natural resource preservation, scenic enjoyment and recreational purposes, while also managing for the purposes of education, demonstration, training, forest research, wildlife habitat, and forest products, including the DuPont State Forest.
- (20) "Rock climbing" means traversing a rock face that is steep enough to require the use of hands and feet to get up or down.
- (21) "State Forest" means any land owned by the State of North Carolina, under the jurisdiction of the North Carolina Forest Service, that is managed for the purposes of education, demonstration, training, forest research, wildlife habitat, forest products and recreation.

History Note: Authority G.S. 106-22; 106-877; 106-887; 143-116.8;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1229 Eff. May 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. September 1, 2021.

02 NCAC 60B .1003 PERMITS

- (a) Any violation of a permit constitutes grounds for its revocation by the Department. In case of a permit revocation the permit holder shall forfeit to the Department all monies paid for the permit. Furthermore, the Department shall consider the permit holder, together with the permit holder's agents and employees who violated such terms, jointly and severally liable to the Department for all damages suffered in excess of money so forfeited. However, neither the forfeiture of such money, nor the recovery of such damages, relieves such persons from statutory punishment for any violation of a State Forest, State Recreational Forest, or Educational State Forest rule.
- (b) Applications for permits shall be submitted to the North Carolina Forest Service's office during business hours. Applications may be found at <https://ncforestservice.gov/>. The permit application shall include the company or organization name, address, contact with title, phone number, email address, description of the activity or the event with the location to be permitted, access areas to be used, timeframe of the activity or event, estimated number of participants, liability insurance, and medical plan. Applications shall be approved by the Forest Supervisor or designee in advance of the act permitted.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1230 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1004 ROCK OR CLIFF CLIMBING AND RAPPELLING

A person shall not engage in rock climbing, cliff climbing, or rappelling within the boundaries of a State Forest, State Recreational Forest, or Educational State Forest except at designated areas and only after obtaining a permit.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1231 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1005 BATHING OR SWIMMING

- (a) A person shall not dive, jump, or slide from any waterfalls or rocks or overhangs into any body of water within any State Forest, State Recreational Forest, or Educational State Forest.
- (b) Wading, bathing, and swimming is allowed at a person's own risk in any body of water in and upon any State Forest, State Recreational Forest, or Educational State Forest, except such activities are prohibited within 300 feet upstream of the top of a waterfall or areas designated as non-swimming.
- (c) Public nudity is prohibited in and upon all State Forest, State Recreational Forest, and Educational State Forest lands or waters. This Rule does not apply to the enclosed portions of bathhouses, restrooms, tents, and recreational vehicles.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1232 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1006 HUNTING

- (a) Hunting in and upon all State Forests, State Recreational Forests, and Educational State Forests shall be by permit or license only, or a combination thereof, depending on the requirements of the individual State Forest, State Recreational Forest, or Educational State Forest. Interested parties shall contact the State Forest office, State Recreational Forest, or Educational State Forest in question. The contact and additional information for each State Forest, State Recreational Forest, or Educational State Forest office can be found at <https://www.ncforestservice.gov/>.
- (b) A person hunting in and upon State Forests, State Recreational Forests, or Educational State Forests under the Game Lands Program shall first obtain a license from a North Carolina Wildlife Resources Commission designated licensing agent and shall obey all State hunting laws set forth in Chapter 113 of the North Carolina General Statutes and rules in effect for the applicable Game Land, pursuant to 15A NCAC 10.
- (c) For State Forests, State Recreational Forests, and Educational State Forests that are not in the Game Lands Program, hunting shall be allowed only if a person first obtains a permit from the Forest Supervisor's office and complies with all State hunting laws and rules in effect, including Chapter 113 of the North Carolina General Statutes and 15A NCAC 10.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1233 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1007 FISHING

Except in areas designated as non-fishing, a person may fish in any waters in State Forests, State Recreational Forests, or Educational State Forests provided the person obeys all State fishing laws as set forth in Chapter 113 of the North Carolina General Statutes and 15A NCAC 10.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1234 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1008 ANIMALS AT LARGE

(a) No person shall have any dog, cat, or other pet upon a State Forest, State Recreational Forest, or Educational State Forest unless the animal is on a physical leash and under the control of the owner or person possessing the animal.

(b) Hunting dogs used in accordance with North Carolina Wildlife Commission Game Land Rules pertaining to State Forests pursuant to 15A NCAC 10, shall be exempt from Paragraph (a) of this Rule.

(c) No dog, cat, or other pet shall be allowed to enter any public building on State Forests, State Recreational Forest, or Educational State Forest, or designated swimming areas, except service animals for persons with disabilities in accordance with the Americans with Disabilities Act of 1990 and Chapter 168 of the North Carolina General Statutes.

(d) Any owned animal or pet causing a threat or nuisance as determined on a case-by-case basis within any State Forest, State Recreational Forest, or Educational State Forest shall be removed.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1235 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.*

02 NCAC 60B .1009 BOATING

(a) Except in areas designated as non-boating, boats, canoes, kayaks, and other watercraft, including flotation devices, shall be allowed on the waters of State Forests, State Recreational Forests, and Educational State Forests, provided they are operated or propelled by means of oars, paddles, or electric trolling motors.

(b) Boats and other watercraft with gas motors attached are prohibited on any waters of State Forests, State Recreational Forests, and Educational State Forests, except for use by rescue squads, diving teams, or similar organizations conducting training or emergency operations or by the Department or the North Carolina Wildlife Resources Commission.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1236 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.*

02 NCAC 60B .1010 CAMPING

(a) No person shall spend the night or maintain a camp in a State Forest, State Recreational Forest, or Educational State Forest, except in designated areas or under permit.

(b) A person camping in a designated area shall not stay more than one 24-hour period without a valid permit.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1237 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.*

02 NCAC 60B .1011 SPORTS AND GAMES

No games or athletic contests shall be allowed in a State Forest, State Recreational Forest, or Educational State Forest, except in designated places or under permit.

*History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1238 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.*

02 NCAC 60B .1012 HORSES

- (a) No person shall use, ride, or drive a horse except to, from, or along a designated bridle path, multi-use trail designated for horses, or designated watering point.
- (b) Each person bringing a horse in or upon any State Forest, State Recreational Forest, or Educational State Forest shall remove from designated parking areas, sidewalks, covered bridges, paved surfaces, and wooden surfaces all residues, including manure, generated by his or her horse.
- (c) Anytime a horse is constrained in a State Forest, State Recreational Forest, or Educational State Forest, it shall be done in a manner so as to prevent damage to trees or plants nearby.
- (d) Horses shall be steered or led across rivers and streams using preexisting crossings along designated trails.
- (e) Horses shall not be allowed to wade in lakes.
- (f) A person bringing a horse in or upon any State Forest, State Recreational Forest, or Educational State Forest shall possess valid negative Equine Infectious Anemia test, also known as a Coggins test for each horse and make them available for inspection upon request by North Carolina Forest Service employees or employees of the Department.
- (g) No horse-drawn carts, carriages, or other apparatus shall be allowed in or upon State Forests, State Recreational Forests, or Educational State Forests except by permit.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1239 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1013 BICYCLES

- (a) No person shall use or ride a bicycle in or upon State Forest, State Recreational Forest, or Educational State Forest grounds except on a road or trail authorized for public use by motor vehicles or designated as a bike trail or multi-use trail.
- (b) Persons riding bicycles shall cross rivers and streams using preexisting crossings along designated trails.
- (c) Motorized bicycles or battery assisted bicycles, also known as E-Bikes, are allowed only on motor vehicle roads open to public vehicular traffic and not allowed on bike trails, bridle trails, hiking trails, or multiuse trails.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1240 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1014 SKATES, BLADES AND BOARDS

No person shall use or ride roller skates, in-line skates, roller blades, skateboards, or any similar device in or upon any State Forest, State Recreational Forest, or Educational State Forest.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1241 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1015 EXPLOSIVES

No person shall carry or possess any explosives or explosive substances including fireworks in or upon State Forests, State Recreational Forests, or Educational State Forests.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC .1242 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1016 FIREARMS

History Note: Authority G.S. 106-22; 106-870; 106-877;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1243 Eff. May 1, 2012;
Repealed Eff. April 1, 2018.

02 NCAC 60B .1017 FIRES AND GRILLS

- (a) No person shall build or start a fire in any area of a State Forest, State Recreational Forest, or Educational State Forest, unless that area is designated for such purpose.
- (b) Tree planters and logging crews may build warming fires if they obtain a permit and confine the fire to an area designated for such purpose.
- (c) Prescribed burning conducted by the North Carolina Forest Service or approved by the North Carolina Forest Service pursuant to G.S. 106-966 is exempt from this Rule.
- (d) Except in designated areas, cooking fires, grills, ovens, stoves, burners, or other devices that ignite natural gas or other petroleum products are prohibited. Likewise, the burning of wood, charcoal or paper is also prohibited except in designated areas.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1244 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1018 DISORDERLY CONDUCT

- (a) No person visiting a State Forest, State Recreational Forest, or Educational State Forest shall disobey a lawful order of a Forest Ranger, law enforcement officer, or any other Department official or endanger him or herself or endanger or disrupt others, as defined in G.S. 14-288.4 and G.S. 14-132.
- (b) No person shall use, walk, or run on or along a road or trail that is designated closed for maintenance, tree removal or any other purpose, nor shall he or she enter an area that is designated "No Entry," "Do Not Enter," or "Authorized Personnel Only," except for North Carolina Forest Service employees, contractors working under the direction of the North Carolina Forest Service, volunteers under the direction of the North Carolina Forest Service, and individuals or groups under permit.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1245 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1019 INTOXICATING BEVERAGES AND DRUGS

- (a) No person shall possess, consume, use, or be under the influence of any malt beverage, fortified wine, unfortified wine or spirituous liquor as defined in G.S. 18B-101, while in or upon a State Forest, State Recreational Forest, or Educational State Forest.
- (b) No person shall possess, consume, use, or be under the influence of any non-prescribed controlled substance as defined in G.S. 90-87, including marijuana, while in or upon a State Forest, State Recreational Forest, or Educational State Forest.

History Note: Authority G.S. 106-22; 106-870; 106-877;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1246 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

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

No person shall injure, deface, disturb, destroy, or disfigure any State Forest, State Recreational Forest, or Educational State Forest building, structure, sign, fence, vehicle, machine, equipment, road, parking lot, or any improvements.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1247 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1021 COMMERCIAL ENTERPRISES

(a) No person shall sell or offer for sale, hire or lease, any object or merchandise, property, privilege, service or any other thing, or engage in any business in or upon a State Forest, State Recreational Forest, or Educational State Forest except under permit.

(b) Sales by the Department or sales that are contracted by the Department or by an entity that is under agreement with the Department are exempt from this Rule.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1248 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1022 NOISE REGULATIONS

(a) The production or emission of noises, speech, music, or other sound, that is unreasonably loud or disturbing in or upon a State Forest, State Recreational Forest, or Educational State Forest by a person or animal under the control of a person is prohibited.

(b) For the purposes of this Rule, the following definitions apply.

- (1) "Unreasonably loud" means a noise which is incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace, order, or calm of the area, or which is obnoxious to, or unreasonably disturbing to, a person whose residence, work, or commercial enterprise is within a reasonable proximity to the point, place, or person from whom the noise is emanating, or emanated, and the noise is of such a kind, nature, duration, or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.
- (2) "Disturbing" means a noise which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, and calm of such person, or persons, or tending to annoy, disturb, or frighten such persons in such proximity to the point, place, or person from whom the noise is emanating, or emanated.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. December 1, 2009;
Transferred from 15A NCAC 09C .1249 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1023 MEETINGS AND EXHIBITIONS

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

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1250 Eff. May 1, 2012;
Readopted Eff. April 1, 2018.

02 NCAC 60B .1024 ALMS AND CONTRIBUTIONS

A person shall not solicit contributions for any purpose in or upon a State Forest, State Recreational Forest, or Educational State Forest, unless permitted by the Department and such contributions are used to benefit the State Forest, State Recreational Forest, or Educational State Forest.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1251 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1025 AVIATION

- (a) Except as provided in Paragraphs (b) and (c) of this Rule, a person shall not voluntarily bring, land, or cause to descend or alight, ascend, or take off within or upon any State Forest, State Recreational Forest, or Educational State Forest any airplane, flying machine, balloon, parachute, glider, hang glider, unmanned aerial vehicle ("UAV"), drones, or other apparatus for aviation. "Voluntarily" for this Rule means anything other than a forced landing.
- (b) Where aviation activities are part of the planned forest activities or military, law enforcement, or rescue training, a permit for aviation use shall be required.
- (c) North Carolina Forest Service and emergency aircraft are exempt from this Rule.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1252 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1026 EXPULSION

For violation of any rule in this Subchapter, Department law enforcement officers, other sworn law enforcement, or Forest Rangers shall withdraw the right of the violator to remain on a State Forest, State Recreational Forest, or Educational State Forest, and shall verbally direct the violator to leave the premises. If the violator does not or is not able to comply, then the violator shall be escorted off the premises.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887; 106-898; 106-900;
Eff. December 1, 2009;
Transferred from 15A NCAC 09C .1253 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1027 MOTORIZED VEHICLES

- (a) Motorized vehicles shall not be operated in or upon a State Forest, State Recreational Forest, or Educational State Forest hiking trail, bike trail, bridle trail, multi-use trail, fire trail, service road, or any part of the forest not designated for such purposes, except by permit.
- (b) Emergency responders and construction or service vendors are exempt from Paragraph (a) of this Rule.
- (c) Unless otherwise posted, the speed limit is 20 miles per hour on graveled forest roads and 10 miles per hour on dirt forest roads.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887; 143-116.8;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1254 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

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

- (a) A person shall not remove, destroy, cut down, scar, mutilate, take, gather, or injure any tree, flower, artifact, fern, shrub, rock, fungi, or other plant or mineral in or upon any State Forest, State Recreational Forest, or Educational State Forest.

(b) A person shall not collect plants, animals, minerals, fungi, or other artifacts from any State Forest, State Recreational Forest, or Educational State Forest without first having obtained a permit from the Forest Supervisor or designee.

(c) No person shall use a metal detector on a State Forest, State Recreational Forest, or Educational State Forest without a permit.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1255 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1029 TRASH AND DEBRIS

(a) A person shall not deposit paper or plastic products, bottles, cans, or any other refuse, or debris in or upon a State Forest, State Recreational Forest, or Educational State Forest except in receptacles designated for the materials. Where trash receptacles are not provided, persons shall take their trash out of the forest.

(b) No one shall dispose of household or business trash or garbage in any State Forest, State Recreational Forest, or Educational State Forest.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1256 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1030 FEES AND CHARGES

(a) The required admission fees or related activity fees at State Forests, State Recreational Forests, and Educational State Forests, including permits, facility use, special events, or the removal of firewood or vegetative material, may be obtained online at <https://www.ncforests-service.gov/> or by contacting the office of each State Forest. The contact information for each State Forest, State Recreational Forest, and Educational State Forest may be found online at <https://www.ncforests-service.gov/>.

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

(c) The number of persons camping at a particular site may be limited by the forest supervisor or designee depending upon the size of the group and the size and nature of the campsite.

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

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887; 150B-1(d)(26);
Eff. June 14, 2010;
Transferred from 15A NCAC 09C .1257 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1031 HOURS OF OPERATION

(a) Hours of operation for each State Forest, State Recreational Forest, and Educational State Forest shall be posted at the forest entrance, the forest office, and on the North Carolina Forest Service's website at <https://www.ncforests-service.gov/>. Hours are subject to change depending on seasonal, emergency, and natural resource protection by the Forest Supervisor or designee.

(b) No person except Department employees and authorized persons shall be allowed in or upon State Forests, State Recreational Forest, or Educational State Forest between closing and opening hours except in designated areas or under permit.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1258 Eff. May 1, 2012;

Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1032 ENFORCEMENT

Departmental law enforcement officers, other sworn law enforcement, and Forest Rangers may enforce the rules of this Section.

History Note: Authority G.S. 106-22; 106-877; 106-887; 106-897; 106-899; 106-900; 106-901;
Eff. November 1, 2009;
Transferred from 15A NCAC 09C .1259 Eff. May 1, 2012;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2021.

02 NCAC 60B .1033 PARKING

(a) There shall be no parking in State Forest, State Recreational Forest, or Educational State Forest areas designated as "No Parking" and "Authorized Vehicles Only." Additionally:

- (1) vehicles shall be parked in areas designated for that vehicle type; and
- (2) visitors shall not park a vehicle, trailer, or other object in a manner that blocks, or restricts access, ingress, or egress to a parking area, road, gate, or access point.

(b) Vehicles, trailers, or other objects blocking or restricting emergency or Department personnel or visitors' access, ingress, or egress to any parking area, road, gate, or access point shall be removed at the owners' expense and without notice.

(c) Vehicles parked in areas not designated for that vehicle type or in areas designated as "No Parking" or "Authorized Vehicles Only" shall be removed at the owners' expense and without notice.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. September 1, 2021.

02 NCAC 60B .1034 ABANDONED PROPERTY

Any property left unattended for a period of 24 hours or more on a State Forest, State Recreational Forest, or Educational State Forest shall be considered abandoned property and shall be subject to removal at the owner's expense, or in the case ownership cannot be established, disposed of by the Department without notice.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. September 1, 2021.

02 NCAC 60B .1035 MINORS

Parents, guardians, and custodians, of minor children shall ensure the minor comply with all North Carolina Forest Service rules.

History Note: Authority G.S. 106-22; 106-870; 106-877; 106-887;
Eff. September 1, 2021.

02 NCAC 60B .1036 FIREARMS

All applicable federal, State, and local laws regarding firearms shall apply in or upon State Forests, State Recreational Forests, and Educational State Forests.

History Note: Authority G.S. 106-22; 106-870; 106-877;
Eff. September 1, 2021.

SUBCHAPTER 60C - FOREST PRACTICES GUIDELINES RELATED TO WATER QUALITY

SECTION .0100 - GENERAL PROVISIONS

02 NCAC 60C .0101 INTRODUCTION AND PURPOSE

(a) The rules in this Subchapter establish performance standards for the protection of water quality during silvicultural activities. Persons shall adhere to the standards related to silvicultural land disturbing activities in order to retain the forestry exemption provided in G.S. 113A-52.1, the N.C. Sedimentation Pollution Control Act of 1973, as amended in 1989.

(b) Implementation of the rules in this Subchapter shall recognize that extreme and unusual weather may cause reasonable and otherwise adequate application of protective measures to fail. Where such measures fail and the resulting effect is not in compliance with a rule of this Subchapter, the responsible party(ies) shall implement corrective measures. The Forestry Best Management Practices Manual, developed and published by the North Carolina Forest Service Division, contains specifications for a variety of practices that may be used to meet the performance standards set forth in this Subchapter. Best Management Practices (BMPs) should be developed and selected to allow for the variation in weather, topography, soil, and vegetation expected for the site and season. This manual and the rules in this Subchapter may be obtained by contacting the, Assistant Commissioner, North Carolina Forest Service Division, Division Raleigh, North Carolina.

History Note: Authority G.S. 113A-52; 113A-52.01; 113A-52.1; 113A-61.1; 143-214.1; 143B-10; Eff. January 1, 1990; Transferred from 15A NCAC 011 .0101 Eff. April 1, 2014; Readopted Eff. April 1, 2018.

02 NCAC 60C .0102 DEFINITIONS

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

- (1) "Accelerated Erosion" means any increase over the rate of natural erosion, as a result of land-disturbing activities.
- (2) "Access Road" means a temporary or permanent access route upon which wheeled vehicles are intended to operate with repeated passes.
- (3) "Adverse Impact" as used for pesticides and fertilizers means actions that result in a violation of water quality rules of the Environmental Management Commission Sections 15A NCAC 02B .0200 - Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina, 15A NCAC 02L .0200 - Classifications and Water Quality Standards (related to groundwater) and the N.C. Pesticide Board Rule 02 NCAC 09L .1005 - Restricted Areas, which are incorporated by reference including subsequent amendments, and may be accessed free of charge at <http://reports.oah.state.nc.us/ncac.asp>.
- (4) "Best Management Practice" (BMP) means a practice, or combination of practices, that is determined to be an effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. The Best Management Practices may be found in the North Carolina Forestry Best Management Practices Manual to Protect Water Quality and is incorporated by reference including subsequent amendments and may be accessed free of charge at http://ncforestservation.gov/water_quality/bmp_manual.htm.
- (5) "Channel" means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water, a ditch, or canal excavated for the flow of water.
- (6) "Colloidal Particles" means fine grained materials, organic or inorganic, that are suspended such as clay particles.
- (7) "Ground Cover" means any natural vegetative growth, or other natural or manmade material that renders the soil surface stable against accelerated erosion.
- (8) "Groundwater" means phreatic water or subsurface water in the zone of saturation.
- (9) "Land-Disturbing Activity" means the same as defined in G.S. 113A-52.
- (10) "Log Deck" means a place where harvested trees or logs are gathered or staged in or near the forest for handling, sorting, merchandizing, temporary storage, or further transport.
- (11) "Mill Site" means any place where forest products are stored, altered, or processed.
- (12) "Permanently Stabilized" means the site is protected to the state at which no further accelerated erosion is expected to occur from the forestry-related, land-disturbing activities.
- (13) "Pesticides" means a chemical used to kill pests. The term includes insecticides, fungicides, herbicides, and rodenticides.
- (14) "Site Preparation" means a forest activity to prepare the site for reforestation.

- (15) "Skid Trail" means a temporary pathway used to drag or transport felled trees or logs or other woody material to a log deck or portable mill site.
- (16) "Stream" means a body of concentrated flowing water in a natural low area of the land surface.
 - (a) "Ephemeral stream" means a stream that flows only during and for short periods following precipitation and flows in low areas that may or may not have a well-defined channel.
 - (b) "Intermittent stream" means a stream that flows only during wet periods of the year (30-90 percent of the time) and flows in a continuous well-defined channel.
 - (c) "Perennial stream" means a stream that flows throughout a majority of the year (greater than 90 percent of the time) and flows in a well-defined channel.
- (17) "Streamside Management Zone (SMZ)" means an area along both sides of intermittent streams and perennial streams and along the margins of perennial waterbodies where extra precaution is used in carrying out forestry-related, land-disturbing activities in order to protect water quality.
- (18) "Visible Sediment" means solid particulate matter, both mineral and organic, which may be seen with the unaided eye that has been or is being transported by water, air, gravity, or ice from its site of origin. This does not include colloidal sized particles.
- (19) "Waterbody" means a natural or man-made basin that stores water, not including jurisdictional wetlands or beaver ponds.
- (20) "Working Days" means days exclusive of Saturdays and Sundays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

History Note: Authority G.S. 113A-52; 113A-52.01; 113A-52.1;
 Eff. January 1, 1990;
 Transferred from 15A NCAC 011 .0102 Eff. April 1, 2014;
 Readopted Eff. April 1, 2018.

SECTION .0200 - PERFORMANCE STANDARDS

02 NCAC 60C .0201 STREAMSIDE MANAGEMENT ZONE

- (a) A streamside management zone (SMZ) shall be established and maintained along the margins of intermittent streams, perennial streams and perennial waterbodies. The SMZ shall confine visible sediment resulting from accelerated erosion.
- (b) Ground cover, or best management practices, within the SMZ shall restrain accelerated erosion.
- (c) Access roads, skid trails, except as provided in Rule .0203 of this Section, logging decks and mill sites shall be placed outside of SMZs. When barriers such as property lines or limiting land features prohibit the location of any of these outside of SMZs, they can be located within the SMZs. When located within SMZs, there shall be effective erosion control and sediment control structures or measures installed to restrain accelerated erosion and prevent visible sediment from entering intermittent streams, perennial streams or perennial waterbodies.

History Note: Authority G.S. 113A-52.1;
 Eff. January 1, 1990;
 Transferred from 15A NCAC 011 .0201 Eff. April 1, 2014;
 Readopted Eff. April 1, 2018.

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

Stream obstruction and the impediment of stream flow or degradation of water quality shall be prevented by keeping soil and debris from forestry-related, land-disturbing activities out of intermittent streams, perennial streams and perennial waterbodies.

History Note: Authority G.S. 77-13; 77-14; 113A-52.1;
 Eff. January 1, 1990;
 Transferred from 15A NCAC 011 .0202 Eff. April 1, 2014;
 Readopted Eff. April 1, 2018.

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

Access roads and skid trails that cross an intermittent stream, a perennial stream or a perennial waterbody shall be installed so as to minimize the amount of visible sediment that enters that stream or waterbody. These crossings shall be installed so that:

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

History Note: Authority G.S. 77-13; 77-14; 113A-52.1;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0203 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.

02 NCAC 60C .0204 ACCESS ROAD ENTRANCES

A forest access road entrance that intersects a paved road shall be installed and maintained to prevent visible sediment or other debris from being deposited onto the paved road to the extent that the visible sediment or other debris would enter an intermittent stream, a perennial stream, or a perennial waterbody.

History Note: Authority G.S. 113A-52.1; 136-92.1;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0204 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.

02 NCAC 60C .0205 PROHIBITION/WASTE ENTERING STREAMS /WATERBODIES /GROUNDWATER

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

History Note: Authority G.S. 113A-52.1; 143-214.1;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0205 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.

02 NCAC 60C .0206 PESTICIDE APPLICATION

Application of pesticides shall be limited to those labeled for that intended use, shall be used in accordance with labeling and rules adopted by the N.C. Pesticide Board as set forth in 02 NCAC 09L .1005, Restricted Areas, and applied in a manner to prevent adverse impacts on water quality.

History Note: Authority G.S. 113A-52.1; 143-214.1; 143-458;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0206 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.

02 NCAC 60C .0207 FERTILIZER APPLICATION

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

History Note: Authority G.S. 113A-52.1; 143-214.1;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0207 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.

02 NCAC 60C .0208 PERENNIAL STREAM TEMPERATURE

Shade within SMZs associated with natural perennial streams shall be retained to protect those streams from temperature fluctuations that result in a violation of a water quality standard of the Environmental Management Commission as contained in Rule 15A NCAC 02B .0211 - Fresh Surface Water Classifications and Standards which is incorporated by reference including subsequent amendments, and may be accessed free of charge at <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20b/15a%20ncac%2002b%20.0211.pdf>.

History Note: Authority G.S. 113A-52.1; 143-214.1;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0208 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.

02 NCAC 60C .0209 REHABILITATION OF PROJECT SITE

Areas on the project site that have the potential for accelerated erosion to cause visible sediment to enter an intermittent stream, a perennial stream, or a perennial waterbody, shall be provided with ground cover or best management practices of adequate sedimentation control within 30 working days after ceasing any phase of an operation or beginning a period of inactivity. Sedimentation control measures or ground cover shall be required for any area that is contributing or has contributed visible sediment into an intermittent stream, a perennial stream, or a perennial waterbody, regardless of when the visible sedimentation occurred as a result of the forestry-related, land-disturbing activity. Treatment and maintenance of those areas shall be sufficient to restrain accelerated erosion and prevent visible sediment from entering intermittent streams, perennial streams, and perennial waterbodies until the site is permanently stabilized.

History Note: Authority G.S. 113A-52.1;
Eff. January 1, 1990;
Transferred from 15A NCAC 011 .0209 Eff. April 1, 2014;
Readopted Eff. April 1, 2018.