Section 201. CLEARING

201.01. Description. This work consists of clearing, selectively thinning, clearing for fence, and applying growth preventive material if required.

201.02. Materials. Provide growth preventive material that is Pathfinder II, or a Department-approved equal. Ensure a certified applicator applies the preventive material.

201.03. Construction.

A. Clearing. Cut, remove, and dispose of trees, stumps, brush, shrubs, roots, logs, and other vegetation. Salvage marketable timber. Preserve vegetation and objects required to remain from injury or defacement.

1. Removals. Remove trees, stumps and other vegetation to 10 feet outside the limits of earth disturbance or to the right-of-way line, whichever is less. In other areas, remove trees, stumps, and other vegetation as shown on the plans. Remove trees without endangering traffic and the general public, injuring other trees, and damaging structures or property.

   In peat treatment areas, remove trees, stumps, and other vegetation to the outer limits of the peat excavation. Between outer peat excavation limits and outer clearing limits, cut off vegetation to no greater than 6 inches above the ground. The Engineer will not require removal of stumps and roots beyond the peat excavation limits. If the Engineer approves, stumps may be buried with at least 2 feet of cover in peat disposal areas outside the limits of sound fill.

2. Protecting Plant Life. Protect vegetation that is not designated for removal on the plans or by the Engineer. Repair or replace trees or shrubs damaged by Contractor operations at no additional cost to the Department.

3. Salvaging Marketable Timber. The Engineer will not allow burning or wasting of marketable timber. Marketable timber includes trees, with a diameter of at least 6 inches as measured at a point 4½ feet above the base of the tree at the ground line. Timber does not need to be cut in lengths less than 8 feet.

   Salvage marketable timber in accordance with the following:

   a. Right-of-Way Purchased in Fee Simple. On right-of-way purchased in fee simple, the Department considers marketable timber the property of the Contractor. Make marketable timber available to wood-using industries or individuals.
b. **Right-of-Way Easements.** On right-of-way easements, the Department considers marketable timber the property of the landowner. Unless otherwise shown on the plans, cut and pile marketable timber outside the right-of-way on property owned by the abutting property owner.

Provide the Engineer with the property owner's written direction for the disposal of the marketable timber. Take ownership of marketable timber not wanted by the property owner and make available to wood-using industries or individuals.

On easements or special use permits on land owned by the USDA Forest Service or MDNRE, marketable timber is the property of the Forest Service or MDNRE. Cut and dispose of this timber as agreed by the Department and the Forest Service or MDNRE. The Forest Service may sell, or otherwise dispose of standing marketable timber to others if its removal does not unduly interfere with Contractor operations.

4. **Disposing of Unsalvageable Material.** Do not dispose of material, temporarily or permanently, in wetlands or flood plains. Dispose of unmarketable timber and vegetative debris resulting from clearing and selective thinning, in accordance with subsection 205.03.P, and one of the following methods:

   a. **Chipping.** Dispose of chips outside the right-of-way unless otherwise approved by the Engineer.

   b. **Burning.** Obtain burning permits. Burn only trees, logs, brush, or stumps within the right-of-way in accordance with subsection 107.15.A.3. Do not use tires, heavy distillates, or plastics as kindling agents. Dispose of remaining material outside the right-of-way or in other Engineer-approved areas.

   c. **Other.** Dispose of material outside the right-of-way or in Engineer-approved areas within the right-of-way.

B. **Selective Thinning.** Remove and dispose of undesirable trees, stumps, undergrowth, and debris outside areas designated for clearing. Treat stumps and stubs with a growth preventive material if required.

Protect plant life in accordance with subsection 201.03.A.2.

Dispose of materials in accordance with subsection 201.03.A.4.

The plans will show, or the Engineer will direct, trees and areas of undergrowth for removal by selective thinning. The Engineer will not
consider this work complete until the Engineer’s acceptance of the project.

Perform selective thinning in accordance with the following:

1. **Selective Thinning Type I.** Cut off stumps to no greater than 6 inches above the existing ground level and apply a growth preventive material the same day.

2. **Selective Thinning Type II.** Chip or grind stumps to 4 inches below the proposed ground level.

C. **Clearing for Fence.** Remove and dispose of trees, brush, stubs, stumps, and other vegetation on the fence line. Treat stumps and stubs with a growth preventive material.

Clear no greater than 8 feet within the right-of-way. Do not clear outside the right-of-way, unless otherwise approved by the Engineer. Clear less than 8 feet where possible. Access fence work locations from other public rights-of-way to avoid or reduce the removal of existing vegetation. The Contractor is responsible for obtaining and providing the Engineer with written approval from the public landowner before accessing “other” public rights-of-way.

Cut trees, brush, shrubs, stumps, and other vegetation flush with the ground level. The Engineer will not require the removal of roots. Do not remove mature trees or bushes if trimming limbs will allow installation of the fence.

Treat stumps and stubs within 1 foot of the fence line with growth preventive material the same day.

Protect plant life in accordance with subsection 201.03.A.2.

Dispose of materials in accordance with subsection 201.03.A.4.

**201.04. Measurement and Payment.**

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<thead>
<tr>
<th>Pay Item</th>
<th>Pay Unit</th>
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<tbody>
<tr>
<td>Clearing</td>
<td>Acre</td>
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<tr>
<td>Thinning, Selective, Type ___</td>
<td>Acre</td>
</tr>
<tr>
<td>Clearing, Fence</td>
<td>Station</td>
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</tbody>
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A. **Clearing.** The Engineer will measure **Clearing** by horizontal area bounded by the outermost trees cut. The Engineer will establish the perimeter line along the outside faces of the trunks.

The cost of clearing areas up to 10 feet outside the limits of earth disturbance; State provided borrow areas; clear vision areas; or other
areas designated on the plans is included in the unit price for related pay items unless clearing is a separate pay item.

If the Engineer directs clearing, not shown on the plans, beyond 10 feet outside the limits of earth disturbance, in non-state-provided borrow areas, or in clear vision areas, and the contract provides no separate pay item for **Clearing**, the Department will pay for this clearing as extra work.

If the Engineer directs the Contractor to return to perform additional clearing of areas less than ½ acre after the Engineer accepted the clearing of an area, the Department will pay for this clearing as extra work.

B. **Thinning, Selective.** The Engineer will measure **Thinning, Selective**, of the type specified, by horizontal area. The unit price for **Thinning, Selective** includes the cost of providing and applying growth preventive materials, where required.

C. **Clearing, Fence.** The Engineer will measure **Clearing, Fence** along the fence line by length. The Department will not provide additional compensation for handwork. The unit price for **Clearing, Fence** includes the cost of providing and applying growth preventive material, where required.