

**FRPA Training Note #06-03**  
**FRPA and Rights-of-Way**  
April 5, 2006

*When does the FRPA apply to right-of-way clearing where timber is salvaged and sold?*

Timber harvest frequently occurs when clearing the right-of-way for pipelines, electrical lines, or roads across forested land. Since subsequent regeneration is usually suppressed along a right-of-way the clearing is considered a land use conversion.

To answer the question of how the FRPA applies to this activity, or for that matter the applicability of the FRPA to any forest development project that includes timber harvest, the forest practice forester should first refer to FRPA Note #06-01. This note covers the criteria and process used to determine if the FRPA is applicable to a harvest operation.

When reviewing timber harvest activity associated with the clearing of a right-of-way the forest practices forester will have to assess whether or not it will serve to provide access to other forest land where additional timber harvest is planned. When making the assessment, consider a reasonable time-frame for the harvest to occur, and the stated purpose for clearing the right-of-way. Will harvest of other forest land occur concurrently or soon thereafter, or commence within a season or two of the right-of-way being cleared? Are the clearing limits reasonable for the proposed use? Is the same landowner who cleared the right-of-way, or who built access into the area, the same one planning to conduct the subsequent timber harvest?

If the proposed right-of-way clearing fails to meet all the criteria for the FRPA to apply, the landowner is not required to notify the division. Procedures for notifying the landowner about the applicability of the FRPA to their project are also covered in the note.

If the proposed clearing satisfies all the criteria necessary to be considered an operation, and the applicant indicates use of the right-of-way requires conversion of the forest land to another use, the forest practices forester should refer to FRPA Note #06-02. This note covers how the FRPA applies to a proposed land use conversion and what procedures to follow.

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Relevant citations:

AS 41.17.083  
AS 41.17.110

11 AAC 95.190  
11 AAC 95.200