

Directive No. 98-07 **Date** November 19, 1998

Subject **Timber on Government Road Allowances and Rights-of-Way**

Purpose To ensure timber removed from **road allowances** for construction is put to economic use and not wasted.

To encourage the effective use of all harvested timber in Alberta.

Policy Land and Forest Division (LFD), Alberta Sustainable Resource Development has jurisdiction over all timber on road allowances and rights-of-way within public lands. Other agencies do not have the authority to allocate timber on these areas. Arrangements for timber salvage on these lands will be made by LFD whenever feasible and in consultation with municipalities and Alberta Transportation and Utilities.

This directive applies only to roads constructed by Provincial or Municipal government agencies. It does not apply to pipelines or roads constructed under licences of occupation (LOC), which require a separate land-use disposition or letter of authority.

Procedure All harvested volumes are subject to the provisions of the Forests Act and of the Timber Management Regulation. The Area Manager will be responsible for the disposition of all merchantable Crown timber from rights-of-way, and borrow or gravel pits once it has been properly decked and limbed, provided LFD receives the minimum notification lead time outlined below.

Crown Lands Under Timber Disposition

If the Area Manager is unable to arrange for salvage within the time period agreed to with the other agency, the agency shall attempt to include the salvage timber within their land clearing contracts. If this is not possible or successful, the Executive Director, Forest Management Branch (FMB) may relieve them from the obligation to salvage the timber.

If the disposition holder does not have the opportunity to salvage the timber, the right-of-way or road allowance can be withdrawn from the timber licence or permit by the Executive Director, FMB under Section 26 of the Forests Act.

Compensation

Compensation may be provided to the disposition holder by the Crown if lands are withdrawn by the Minister from an existing timber disposition. If the land falls within a **Forest Management Agreement (FMA)**, the individual FMA should be reviewed to determine what rights to compensation the holder is entitled to.

Notification Lead Time Prior to Road Construction

If the lead time is less than the below stated minimums, the agency constructing the road will be responsible for the felling, skidding and decking operations. Close co-operation will be required between field staff of both agencies due to the nature of these operations and the short time frames involved.

Gravel or Borrow Pits

Lead times of 90 days for gravel pits and borrow pits shall commence from the time the Road Referral Co-ordinator and/or the Area Manager receive confirmation that the pits have been staked or flagged.

Right-of-Way Salvage

Ninety (90) day lead times shall commence from the time the Area Manager is provided with a set of mosaics showing all road alignment details and that the centreline location has been established in the field. In the event the centreline has not been established the lead time shall begin from when the clearing limits are staked out. The agency will stake clearing limits immediately prior to salvage operations if requested to do so by the Area Manager.

Definitions

Road Allowance - as defined in the Surveys Act.

Forest Management Agreement (FMA) - A renewable 20 year agreement between the government and a company that grants the company the rights and obligations to manage, grow, and harvest timber on a specific area on a sustained yield basis.

Authorities

Section 7 of the Forests Act - The Minister is responsible for administration and management of Crown timber.

Section 26 of the Forests Act - Timber quotas, licenses or permits may be amended or cancelled with 30 days notice.

Section 153(1) of the Timber Management Regulation - Salvage timber may be charged as production where the holder of a forest management agreement or a timber quota neglects or refuses a request from the Minister to salvage timber in a management unit.

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