

## **APPURTENANT ROADS**

**5413**

(No. 3 June 1991)

Roads that are appurtenant to the THP are subject to the requirements of the FPA and rules pertaining to road construction, road reconstruction, maintenance and installation of erosion control measures, and hazard reduction. These requirements are initially addressed during the THP review, and then the appropriate forest practice rules are applied during the timber operations.

Key definitions found in the dictionary and the forest practice rules describe where the enforcement and review requirements may be applied. 14 CCR § 895.1, 912, 932, and 952 contain the key terms "logging area," "plan area," and "appurtenant." Use of the dictionary definition of "appurtenant" allows application of the FPA rules to any road belonging to, accessory to, or incidental to, the conduct of timber operations performed under a THP on timberland.

"Plan area," defined as the area in which timber operations are conducted, provides a further description of the location where the forest practice rules apply.

The definition of "logging area" specifies the act and rules applicable if the road is owned or controlled by the timber operator, timber owner, or timberland owner. By "owned or controlled," we mean that a party possesses more than a simple legal right to cross over a road located on the property of another. A road is "controlled" by a timber operator, timber owner, or timberland owner if one of these parties holds the right or responsibility for construction, reconstruction, or maintaining the road in a passable condition.

The THP should contain enough information to determine during the review period which roads will be used during the conduct of timber operations and which ones are owned or controlled by the timber operator, timber owner, or timberland owner. If the THP does not contain sufficient information as submitted, the department may require additional information to make this determination.

Everyone who has ownership of a road that will be used during timber operations will be listed as a timberland owner of the THP. Similarly, those persons who have control, but not ownership, of a road that will be used during the conduct of timber operations will be listed as responsible persons on the THP. The FPA, with appropriate rules and regulations, will apply under either set of conditions.

The owner of the road or the owner of the land crossed by the road will be notified of the intended use. This should be done in writing by the plan preparer or submitter. A copy of the notification will be submitted with the THP. The timber owners also will be notified in these situations if they are separate from the landowner and if timber is to be harvested as part of the timber operation.

Where logging roads are included by this interpretation of "appurtenant," all the forest practice rules will be applied. The requirements will extend to the first public road encountered by the appurtenant logging road.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.**

[\(See next section\)](#)

[\(See Table of Contents\)](#)