

In the series: *Getting Started with Forestry*

## *Understanding and Preventing Timber Theft*

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With timber prices rising, more people are reporting that trees have been stolen from their forest land. Because many forest owners don't know when or if they have been victimized, it's difficult to determine just how common this problem has become. There are many honest loggers and foresters that work in the woods, but enough dishonest people to warrant you take preventive steps. Here are some thoughts and strategies to help protect your forest and trees.

There are two general categories of timber theft. One category is when you have made an arrangement with a logger or timber broker who deceives you into thinking you are being paid what you deserve for your timber. Typically this is not illegal, and your best strategy is to seek counsel from unbiased people before you agree to a timber sale. You can get preliminary assistance from a Master Forest Owner volunteer through your county office of Cornell Cooperative Extension. Your local DEC office has unbiased professional foresters who can assist and who can help you find a private consulting or industrial forester and a Certified Logger. The second category of timber theft, and the focus of this article, is when someone takes trees from your property without permission. The thieves may access your land from your neighbor's property, may steal trees from your property during a scheduled timber harvest on your land, or may steal trees from your property in your absence especially if you're an absentee forest owner.

What can you do? There are several steps you can take that will reduce the potential of your property as a target and increase your ability to establish claims if you become a victim. These steps include marking your property boundary, talking with neighbors, marking trees for cutting before you conduct a timber sale, not accepting money if you suspect timber theft, and checking references before you hire a forester or a logger.

An important, yet frequently overlooked step is for you or someone you hire to clearly mark your property's boundary lines whether or not you ever plan to harvest timber. If you do not post your land, blazed and painted boundary lines make it easier to prove criminal intent and can be effective in discouraging a dishonest logger from attempting to steal your trees. Thieves who call themselves loggers or foresters may initiate a legitimate timber harvest on your neighbor's property with the

intent of gaining access to your timber. Knowing your boundaries and making them visible are good preventive measures.

Talking with your neighbors will help you know when logging is going to occur in your area and you can let your neighbors know when you are planning a harvest. Ask your neighbors to tell you if they plan a timber harvest and that you will return the favor. If your neighbor is planning a harvest, take the time to introduce yourself to the logger and offer to walk the property lines with the neighbor and the logger so there are no misunderstandings. An honest logger will appreciate your assistance and a dishonest logger will know you are not an unsuspecting potential victim. Also, you, your forester, or your friend should inspect your property during and several days after the neighbor's harvest looking for signs of illegal entry or cut trees. If your neighbors expect advance notice from you of logging on your property, they will know how to respond if they see logging activity on your property. If you talk with your neighbors, you will know to expect loggers and know if none are expected. Call your neighbors or the DEC if you see unusual activity in the woods.

Having a forest management plan, being an active forest manager, using professional foresters, and working with loggers from the "Trained Logger Certification" program can protect your forest and prevent your property from being used to steal your neighbors' trees. Select good foresters and loggers by checking references and credentials. Also, mark trees with paint prior to a timber harvest. Mark trees at chest height so loggers will know what trees to cut and also mark those trees at ground level so you will know if a tree was cut without your knowledge (be suspicious of loggers who carry paint cans). You can mark the perimeter of the area being harvested to limit access to other areas of your forest land. Also, include in your sale contract your policy for cutting unmarked trees. For example, some timber sale contracts will stipulate that unmarked but cut trees will be valued at \$100 per tree plus three times the stumpage value. Discuss with your forester your expectations for regular inspections during your harvest and a post harvest inspection. Your forester should be familiar with reputable loggers, and those who have completed the "Trained Logger Certification" program.

Unfortunately all these preventive steps won't guarantee some of your timber will not be stolen. If you happen onto a theft in progress, immediately contact your county sheriff and the DEC Bureau of Conservation Investigation (see numbers below). If the logger claims to have accidentally gotten onto your property do not accept money for trees taken because you won't be able to establish the timber removal was theft and you don't know the value of the trees that were taken. It is the responsibility of the logger, forester, and property owner where harvesting occurs to know where property boundaries are located, even if unmarked, to avoid this situation. If you are walking through your forest and notice stumps you didn't expect you should call the DEC; in the lower Hudson River area call Capt. Dorothy Thumm (914) 332-1835; in eastern, northern, and central New York call Capt. Lawrence Johnson (518) 357-2035; in western New York call Capt. Gary Bobseine (716) 851-7007. You will likely have to hire a private consulting forester to estimate the value of timber stolen, but this will help ensure you are fairly compensated. The state attorney general's office is increasingly able to respond to and prosecute timber theft.

Timber theft is a concern for everyone involved in good forestry. Several groups have worked together to produce a video on timber theft, including New York Forest Owners Association, the Department of Environmental Conservation, Catskill Forest Association, Empire State Forest Products Association, and Cornell Cooperative Extension. If you would like to see a copy of the video, contact either: your local NYFOA chapter; the NYFOA general information hotline number (800-836-

3566); Catskill Forest Association (914-586-3054); or your local DEC office. Strengthened legislation coupled with increased public awareness and forest owner and logger education can reduce this growing problem.