

PREVENT TIMBER THEFT

Whether your forest is providing income, recreation, wildlife habitat, aesthetics, or water quality protection, as a landowner, you should be concerned about **Timber Theft**.

Every day, a landowner loses trees to thieves. A recent Virginia Tech study estimated that over \$4 million dollars are lost each year to timber theft within the Southern Appalachian Region alone. By far, the best way to deal with timber theft is to never let it happen. Don't become a statistic. Timber theft can occur in one of two forms:

Theft of Individual Trees

or

**Theft of Trees during a
Timber Sale**

Complacency may be the biggest problem in deterring timber theft. Complacency keeps us from doing regular property inspections, marking our property lines, and seeking help. Here are some ways to protect your timber from timber theft.

Inspect your property regularly.

Mark your property lines.

Verify your timber sale load tickets.

For Additional Information

For additional information, contact your local Virginia Department of Forestry Office, Virginia Cooperative Extension Office, or the Virginia Forestry Association.

REPORT TIMBER THEFT

When timber theft occurs, contact the State Police, County Sheriff, or Department of Forestry for assistance with the criminal investigation. Professional consulting foresters can also help. The Virginia Department of Forestry can provide a list of consulting foresters for your area.

If timber theft occurs, negotiating a settlement may be better than taking legal action. Legal cases can be long and expensive, and their outcome is unpredictable. Consult an attorney for advice.

Value lost from timber theft may be deducted from your taxes as a casualty loss (Visit www.timbertax.org for information).

Law Changes Effective 2004

In 2004, the Virginia General Assembly amended the *Code of Virginia* as it applies to timber theft. For detailed information, visit <http://leg1.state.va.us/000/src.htm>; click on Table of Contents, Title 55, Chapter 18, Sections 55-331, 55-332, 55-334, 55-334.1. Consult law enforcement and an attorney regarding legal matters associated with timber theft.

**REPORT TIMBER
THEFT
IMMEDIATELY!**

CONTACT INFORMATION

Abingdon Region Office:

Phone: (276) 676-5488 ; FAX: (276) 676-5581

Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe counties

Salem Region Office:

Phone: (540) 387-5461 ; FAX: (540) 387-5445

Alleghany, Bath, Bedford, Botetourt Craig, Floyd, Franklin, Giles, Henry, Highland, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, and Rockbridge counties

Farmville Region Office:

Phone: (804) 392-4159 ; FAX: (804) 392-1550

Amelia, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Powhatan, and Prince Edward counties

Charlottesville Region Office:

Phone: (434) 977-5193 ; FAX: (434) 296-3290

Albemarle, Amherst, Augusta, Clarke, Culpeper, Fairfax, Fauquier, Fluvanna, Frederick, Goochland, Greene, Loudoun, Louisa, Madison, Nelson, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah and Warren counties

Tappahannock Region Office:

Phone: (804) 443-2211 ; FAX: (804) 443-3164

Caroline, Charles City, Chesterfield, Essex, Gloucester, Hanover, Henrico, James City, King & Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Spotsylvania, Stafford, Westmoreland, and York counties

Waverly Region Office:

Phone: (804) 834-2300 ; FAX: (804) 834-3232

Accomack, Brunswick, Dinwiddie, Greensville, Isle of Wight, Northampton, Prince George, Southampton, Surry, and Sussex counties, and cities of Chesapeake, Suffolk, and Virginia Beach



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Virginia Department of Forestry

*We Protect and Develop Healthy, Sustainable
Forest Resources for Virginians*

www.dof.virginia.gov

THEFT OF INDIVIDUAL TREES

Removing easy opportunities for theft is the best defense in deterring individual tree theft. Take the following precautions to deter theft:

- ◆ **Identify your property boundary** – Annually walk your property's boundary line and arrange for the boundary to be marked or maintained.
- ◆ **Visit your property on a regular basis** – Regularly walk your property to detect and deter unwanted activities. If you are an absentee owner, have a family member or neighbor walk the property, or hire someone to do this.
- ◆ **Cooperate with your neighbors** – Share information and monitoring with adjoining forest landowners. If you notice unwanted activities on your neighbor's property, check with the neighbor to be sure they are aware of the activity.
- ◆ **Control Access** – Open access can increase opportunities for unwanted activities. If possible, install limited access roads and gates.



Individual tree theft is a growing problem, especially with valuable trees such as this cherry tree.

THEFT OF TREES DURING A TIMBER SALE

Timber theft can occur during harvesting operations – sometimes by mistake and sometimes on purpose. Three precautionary measures will greatly reduce the probability of trees being stolen during a planned timber harvest:

- ◆ **Have a written timber sale contract**
- ◆ **Inspect harvesting operations**
- ◆ **Verify load deliveries and sales receipts**

Property Boundary Marking



Clearly mark your property boundary as well as the boundaries of a timber sale area. Boundary marking must be a vertical line at least 2 inches wide by 8 inches long and the center of the mark must be no less than 3 feet and no more than 6 feet from the ground, and not more than 100 feet apart marked with readily visible paint.

Written Timber Sale Contract

Always have a written timber sale contract. Important considerations to be addressed in a timber sale contract are:

- ◆ **Set Term of Contract/Termination Date** – Specify a set time period for removal of trees being sold.
- ◆ **Liability Insurance** – Identify who is liable for property damage and what is considered damage. Specify whether you wish to have copies of the operator's insurance policy.
- ◆ **Terms of Payment** – State what rate will you be paid for the trees harvested and when payment will be made.
- ◆ **Delivery Verification** – Identify what kind of delivery verification you want for the trees or logs removed and delivered to market, if any.
- ◆ **Compliance with State and Federal Laws** – Include a provision stating who is responsible for compliance with State and Federal laws dealing with timber harvesting. In Virginia, the operator is required to notify the Department of Forestry within three days after the commencement of a timber harvest. The operator and landowner are equally responsible for compliance with Virginia's Silvicultural Water Quality Law.

Inspection

Perform periodic and frequent inspections as trees are being harvested. The following situations may warrant further investigation:

- ◆ The operator is reluctant to give you copies of load tickets concerning the number of loads shipped or where the loads were delivered.
- ◆ Boundary trees are cut. How will you identify your property lines?
- ◆ Trees harvested on the neighbor's property are being loaded on your property during your

harvest. Separation of wood owners is critical to ensure you are properly paid.

- ◆ The operator's trucks are hauling your logs to market in a different direction than you had understood.
- ◆ Logs are being hauled at odd hours. Usually mills receiving wood are closed nights, holidays, and weekends.



Accounting and Verification

Accounting and verification is especially important if you are being paid for your timber as it is cut. Information that helps you keep track of the timber being removed is important. Consider the following:

- ◆ Track the number of loads being hauled. Have the operator place copies of load tickets in a locked box at your property entrance. If available, ask what ticket numbers are assigned to your timber loads to help track a sequence of tickets.
- ◆ Mark each load of timber so you can easily identify them when driving down the road. Using a unique color of paint or identifying number on the ends of the logs can help you quickly spot your timber.
- ◆ Investigate when mill settlement checks are late or tickets listed are out of sequence or missing.

**Dealing with timber theft
when it is discovered
is crucial.**