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Woodland owners can protect land from timber trespass, theft

By Katie Pratt

LEXINGTON, Ky. (Jan. 16, 2008) – While timber theft and timber trespass have received a fair amount of media coverage recently, Jeff Stringer, UK associate extension professor for hardwood silviculture and forest operations, said the problems have existed for a number of years, and there are measures woodland owners can take to protect their trees.

“I get two to three calls per month from property owners seeking advice on timber trespass issues,” he said. “Their frustration can be pretty extreme, and it’s an issue we badly need to deal with.”

Stringer said although timber theft and timber trespass may seem similar, they are two different things. Timber theft occurs when someone intentionally steals timber from a woodland owner. Timber trespass is the result of a logger or landowner accidentally cutting down adjacent landowner’s trees, thinking the trees were within the boundary of their property. Timber trespass occurs more often than timber theft, which happens most often in remote rural settings where landowners may reside a great distance away or are absent from their land. It particularly is problematic in eastern Kentucky.

Kentucky is not the only state to deal with timber theft and trespass issues. Several Midwestern and Eastern states also face similar problems and concerns from woodland owners, Stringer said.

Protecting woodlands can be tricky, but landowners can take measures to try to prevent timber trespass and theft on their property. Stringer said landowners should be aware of their boundaries and have them clearly marked. A surveyor can help determine where a property line is, but they will charge a fee for their services. Landowners that do not reside on their forested property should have someone keep close watch over their land. Landowners should let adjoining property owners know they do not want their timber logged and to contact them if the adjacent owner sees or suspects the occurrence of any suspicious logging activity on the absent owner’s property.

Timber trespass and theft only occur in a very small portion of the logging industry by a handful of loggers, but the crime still needs to be addressed, Stringer said. He added that there are nearly 3,000 logging firms in the state and most are reputable, locally based businesses in

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rural communities. The forest industry contributes about \$6 billion to the state's economy each year. Loggers directly provide between \$180 to 200 million in timber payments to woodland owners.

"It's only a small group of loggers that are giving the logging and forest industries a black eye," Stringer said.

The state has a Drift, Logs and Timber law, also known as the timber trespass law, which entitles the rightful landowner of illegally cut timber to three times the value of the timber and three times the cost of the damages caused by the trespass. Both the logger and landowner can be held responsible.

"It is the very first thing I teach in the Master Loggers program," Stringer said, emphasizing the importance of the law.

Stringer said woodland owners have a harder time receiving reimbursements for timber theft than timber trespass because most law enforcement agencies don't vigorously investigate and prosecute offenders. Most law enforcement officers are not familiar with the forest industry and timber's value, he added. Timber theft is considered larceny like other types of stolen property. Once stolen timber leaves a property and reaches a sawmill, it is impossible for law enforcement agencies to track the timber.

"It is the lack of vigorous law enforcement that contributes to this problem," Stringer said.

Victims of timber trespass and theft should contact a consulting forester who can estimate the value of the lost timber.

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