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Timber Sale Success

by Bill Cook, Forester & Biologist, MSU Extension, Upper Peninsula

A timber harvest has gone awry. Things are not going the way that you had thought. What do you do?

A lot will depend on how well you did your preparation. If you don't have a clearly written contract and aren't working with a forester, then you have few options, unfortunately. If there's still wood to cut, probably the best you can hope for is to stop the logging and take your lumps. If you can prove wood has been taken without payment (timber trespass), then you might find some legal recourse. But this is not always a possible case to prove or prosecute.

The best defense is to have a good offense, and that means working with an independent consulting forester, signing a well understood contract, and talking with the logger. Timber sales are often worth many thousands of dollars, if not tens of thousands. As the owner, you have a responsibility to do as much as possible to ensure that your wishes are carried out and to protect your assets. A clear contract understood by both you and the logger goes a long way to avoiding problems after the cutting begins.

Too many times, landowners let themselves be taken advantage of by one of the few loggers who are up to mischief. The large majority of loggers do not engage in unscrupulous behavior. They are competent businessmen and community members who depend upon their reputation for acquisition of future timber sales. They often have nearly a million dollars, or more, invested in their business and simply cannot afford to lose future business due to misunderstandings or poor performance.

Most cases of forest owner dissatisfaction are the result of poor communication with the logger. The logger needs to know what you have in mind and needs you to share that with him. A clear contract helps a lot. Beyond that, having conversations with the logger both before and during the harvesting operation is important.

Logging is more than simply cutting trees and manufacturing forest products. Consideration should be given to different pricing for various products, payment schedules, down payments, location of skid roads and landings, equipment to be used, treatment of slash, seeding open areas, and many other things.

For federal income tax purposes, you'll want to know the forest volumes both before and after a timber sale. Trees to be cut, and left, should be clearly understood. You need to know the property boundaries. Most of the time, when loggers cut over the line it's because owners gave them incorrect information.

Logger credentials should be requested. Referrals are a good idea. Is the logger a member of the

Michigan Association of Timbermen? A Master Logger? Up to date on Sustainable Forestry Education credits? Does he have appropriate insurance and Workmen's Compensation? Does he have markets for the products likely to be manufactured from your trees?

Because of the many considerations in a timber sale, the usual high dollar value, and a concern about post-harvest forest conditions, it's usually a good idea to hire a consulting forester. If you can't regularly visit the forest during the timber sale, the consulting forester can. These foresters know the ins and outs of both forest management and timber sales. They can help guide a forest owner and a logger through the process needed to achieve forest owner objectives. The expertise will cost money, but in the end most forest owners end up with more cash and a better forest.

Forest management and timber harvests are sustainable only if they're done properly. Few forest owners have sufficient background to pull all the pieces together on their own. It makes sense, financially and ecologically, to hire the expertise of a consulting forester.

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***As an MSU Extension forester, I provide educational programming for the entire Upper Peninsula. My office is located at the MSU Upper Peninsula Tree Improvement Center near Escanaba. The Center is the headquarters for three MSU Forestry properties in the U.P., with a combined area of about 8,000 acres. A collection of these newspaper articles, back to July 1997, can be viewed on the following website:
<http://michigansaf.org/ForestInfo/Newspaper/0000-Directory.htm> or under the "Forest Info" button of <http://michigansaf.org>.***