

FACT SHEET

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Timber & Timber Harvesting in West Virginia

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Timber Operator Registration

The West Virginia State Code, 19-1B-4, requires anyone, with certain exceptions, conducting a “timbering operation” in West Virginia to acquire a timbering license from the West Virginia Division of Forestry. “Timbering operations” are defined to mean any activity concerned with the cutting, skidding, and transporting of logs for commercial purposes. The exceptions are cutting plantation-grown Christmas trees for decorative purposes; the clearing of trees from land scheduled to be disturbed by construction; and the maintenance or creation of new rights-of-way for public highways, public utilities, and other companies that are regulated by the federal energy regulatory commission. The exceptions are somewhat limited in that the harvested trees can not be sold, given or traded for commercial wood product purposes. Individuals also have the right to personally harvest trees from their own property for their own use without being licensed.

The law specifies that an operator can not conduct timbering operations, purchase timber or buy logs for resale until licensed. Licenses are obtained by filing an application and submitting evidence that the firm is not in default of the Worker’s Compensation statute and that they have a current West Virginia business registration. Another requirement is that the operator post a sign in a conspicuous place at each timbering operation listing the operator’s name and license number; notify the West Virginia Division of Forestry, on supplied forms, of the location of any timbering operation, the acreage and planned duration, the on-site logging supervisor and certification number, certain other data from the advance logging plan prepared by the operator for the landowner’s approval, and re-notification within seven days of the completion of the operation so that it can be inspected for environmental compliance before the operator moves the machinery to another location.

Prior versions of the law contained a provision that excepted individuals from licensing who might cut a limited amount of timber for an acquaintance on the acquaintance’s land. This infrequent cutting exception was based on the timber being worth no more than \$15,528.00, the gross amount that can be sold under the severance tax law (11-13A-10) without becoming liable for the 3.22% severance tax (11-13A-3B). At current across the board rates for timber, the allowance for the exception would be no more than 60 thousand board feet, about two weeks harvesting for an individual. However, the allowance, and subsequently the waiver of licensing, is proportional by

month so the total of \$500 is only \$41.67 per month which equates to about five thousand board feet per month or one days work. This exemption was removed from the law by the 2001 legislature.

A question that sometimes arises is whether a concentration yard needs to be licensed. The question is usually that the logs are being purchased for a specific use and not for resale. In past years this may have happened, but to avoid the licensing an entrepreneur would now have to prove that the logs are not graded with the veneer or other top grade being sold instead of being manufactured and that the \$15,528 annual sales was not surpassed.

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