

FACT SHEET

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Timber & Timber Harvesting in West Virginia

Summer, 2002

Landowner, Consultant, & Timber Operator Responsibilities.

A legal contract is needed any time timber is sold or is purchased for harvest. This protects the landowner and companies involved and the environment. It is also a way of insuring that municipal, county, state and federal laws, rules and regulations are followed.

Landowner responsibilities include owning or having a power-of-attorney for the timber, knowing the property boundaries or arranging for a survey, having a legitimate right-of-way to the property, having a copy of the deed, having a copy of the tax map or a property tax receipt, arranging for a cruise of the timber to ascertain what is available for a sale and then becoming familiar with timber selling procedures apropos before, during and after a sale. Forestry is a business; so a non-forester landowner is usually at risk when selling without seeking legal and professional advice.

A consultant is a registered licensed forester who represents a landowner, for a fee, in forestry operations. The consultant ordinarily visits the property when first contacted to discuss management possibilities. The first visit is usually free. If the tract has timber mature enough for a sale and if the landowner wants a sale, the consultant makes all arrangements. The fee can be by the hour, day, week or a percentage commission based on the gross selling price. Among the consultants duties are cruising the tract and preparing a statistical analysis of the timber, marking the trees ready for harvest with paint, preparing a prospectus and advertising the sale, conducting a sealed bid sale, preparing a timber sale agreement that protects the landowner and the landowner's property from damage and liability, closing the sale with the purchaser, delivering the check to the landowner, assisting the logger by helping flag the skid roads before the harvest begins, procuring the performance bond before equipment is moved on the site, checking the logging periodically during the cutting operation to insure federal and state environmental rules and regulations are followed, performing a final inspection and releasing the bond when all is satisfactory. The advice can also be limited to showing the landowner what he has, telling him what he can do and/or preparing a professional long or short term management plan.

The timber operator is usually a contractor for the timber purchaser whose duty is to cut the timber and deliver it to a concentration yard or a mill. He is responsible for

acquiring all necessary licenses; for notifying the Division of Forestry (DOF) in advance of logging; for having the prescribed liability insurances with the landowner listed as an additional insured; for following the dictates of the logging sediment control act including BMP installation, safety training and having a certified logger; EPA and OSHA rules and regulations; trucking regulations; for being up to date with Worker's and Unemployment Compensation and for notifying the DOF that the job has been completed, among others. He usually has to flag the haul roads, skid trails and landings for approval of the purchasers forester and the consultant.

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