

Make the Most of your TIMBER SALE

By **DON C.**
East



Take care of your stream-side management zones (SMZs) by addressing them in the contract and by clearly marking them prior to harvest.

To the average Tree Farmer, making a timber sale should be considered a major step. It should be considered a serious matter that requires careful preparation. In just a few days or weeks a timber sale removes what you and Mother Nature have nourished for at least the past 20 to 30 years. There are no second chances. Think of it as an irreversible medical operation: You want to make the right decisions, and get a second and perhaps third opinion, so you can have it done right the first time.

Depending on the size of the sale, a timber harvest may be the largest single lump sum of income you will produce in your lifetime. Therefore, considerable thought and research should go into it.

Let's put it another way: No matter how well you have managed your timberland through the years and no matter how many advanced techniques you have used — planting genetically superior seedlings, fertilizing, thinning, conducting prescribed burns — you can easily squander all that extra profit you planned to receive through poor planning and execution of your timber sale.

There are a number of issues you should begin with before you make any firm decisions. They include the following:

1. Do you have a written management plan? If you own more than just a small woodlot, and you don't have a current overall management plan for your property, you would be smart to stop right here and update yours. In my home state of Alabama, the Alabama Forestry Commission, county forester, and the Alabama Extension Service county agent can usually provide advice and assistance in making a plan (such services are available in

each state, though the agencies providing them may vary). Landowner assistance programs sponsored by commercial timber companies are another possible source of assistance in making your management plan. If you have large timberland holdings, or if this is to be a major sale, you may need the services of a consulting forester. At a minimum, a written management plan lists your objectives, steps to achieving them and a timeline showing when these steps should be taken. We hope you are managing your timberland for multiple use — that is, for such things as wildlife, recreation and aesthet-

ics, as well as timber production. If so, your plan should address the priority and integration of these various simultaneous objectives.

2. Analyze your intended sale in light of your management plan. Now that you have a current written management plan, it's time to analyze your intended sale in light of your plan. Items such as market conditions (is the price right at this time or will waiting a few months to a year give you significantly more profit?), any changes in the conditions or environment since your plan was written, etc., should be considered. Your management plan should specify the type of harvest to conduct on this specific tract. If it does not, now is the time to make that decision. Do you want to conduct a clearcut, thinning, seed tree cut, shelter wood cut, selective cut, diameter-limit cut, deferment cut or some combination of these?
3. Get an idea of what you have to sell. After you have made a preliminary decision on what type of cut to conduct on your tract, you need to get a general idea of what you have to sell. Take a walk through the tract and take a few notes. Is the tract mostly pine pulpwood, pine chip-'n'-saw, pine saw logs, hardwood pulpwood, hardwood strag (pallet) logs, hardwood saw logs, etc.? Also try to come up with a rough percentage of each species and categories that you have for sale. You might also determine if you have any specialty trees such as black walnut, cedar, good-grade oak or poplar, pine poles, etc. This walk is not intended as a timber cruise, it is simply your own initial assessment of what you have to sell. This might also be your last chance to ensure that your planned sale still matches your management plan. If not, this may be the time to modify your management plan or your sale plan.

4. Know the market trends and keep current on market prices. Although you may be ready to sell your timber now, is it the right time to do so? Timber prices, like those of most other products, rise and fall. Timber market trends are affected by many things, such as weather, season, domestic and international economic conditions, natural disasters and so forth. So even though you may be ready to sell your timber, it may not be the best time to do so. Check with knowledgeable friends and neighbors who are current on timberland, check with your county Forestry Planning Committee members, ask your local forestry commission forester for advice. If your sale will be of a large volume, you may want to contact a registered consulting forester.

5. Get smart. Now that you feel pretty sure that your idea of the intended sale and your management plan are in agreement, and you have a general idea of what you have to sell, it's time to do a little research. Find a few articles on timber sales, some examples of sale contracts, some information on regeneration, possibly an article or two on the

mechanics of logging operations and something on your state's Best Management Practices (BMPs). If you are not subscribing to a professional journal on timber and timberland, now may be the time to do so. At this stage you may also want to sit down and talk over the situation with a friend or neighbor who has recently conducted a timber sale. Although these individuals may not be forestry or wildlife professionals, they undoubtedly have learned lessons along the way. If they happen to give you bad advice at this early stage, it will be sifted out in later stages of your research. At this point you should start to feel more comfortable with your decisions and should be armed with enough facts and information to at least have an intelligent conversation with the experts you will consult later.

Before the Sale

At this point of your timber sale, there is a set of other issues to consider.

1. Get advice from professionals. There are two types of forestry professionals you can go to for advice before you make firm decisions on your intended timber sale. Which



If you are selling your timber on a "pay-as-cut" contract, monitoring and recordkeeping of products taken from the site may be required.

type you use depends upon your experience, the size of the sale and various other factors.

a) Private sources — In this category are the consulting forester and the industry forester. If you have never conducted a timber sale before or if this is a large sale, you may want to start right off by hiring a consulting forester. If this is the case, you may read the rest of this article for information only. Even if you are going to conduct the sale yourself, hiring a consulting forester for a few hours or even a day or so may be in your best interest. Keep in mind that any money you spend during the course of the timber sale may be tax deductible as expenses of the sale. A list of consulting foresters is usually available from your state forestry commission or county Extension office. The other private source for forestry advice is an industry forester. Most large commercial forest industries provide forest man-

agement and marketing assistance to private landowners. These programs are usually free, but may have requirements that give the company first rights to buy your timber. Make sure you understand the basic difference between a consulting forester and an industry forester: A consulting forester works for you, and his pay for a timber sale usually increases as your sale price increases. On the other hand, the industry forester works for the commercial timber company, and his status and pay usually increases as the company profits increase.

b) Public sources — Before you consider talking to either a consulting or industry forester, you may want to continue your education by contacting one of the public sources of advice. Their advice is free. Among these sources are your state forestry commission county forester, the local Natural Resources Conservation Service (NRCS) soil conservationist, the local or area forestry commission wildlife biologist and your county Extension Service agent. These individuals can assist you by providing technical advice on multiple use forestry management as it relates to your pending timber sale. It would be ideal if you could get the whole team (the county forester, soil conservationist and wildlife biologist) to go with you at one time on a walk through the tract you intend to sell. Your group could walk the ground as you show and tell them your intentions for the sale. They, in turn, can offer advice that may refine or change some of your initial ideas about the planned harvest. Take notes unless you are blessed with an exceptional memory. If you can't get the entire team together at one time, try to get them one at a time, so that in the end you have considered multiple use rather than concentrating only on the timber.

2. Modify or change your plans based on the professional advice. You will undoubtedly pick up some new or different ideas from your talks with the team of professionals. Accordingly, you may want to modify your plans for the timber sale somewhat. In any case, take the new information, analyze it, change your plan or the mechanics of the sale accordingly, and let's move on to the next step.

3. Mark your boundaries and sale areas. Now that you have made some firm decisions, it's time to clearly mark the property boundaries where the timber harvest is to take place. It is best to mark the entire property boundaries, even if you are harvesting only a portion of it. Clearly mark your land lines and corner markers with paint or flagging tape. If the entire property is not to be harvested, delineate the portion to be sold with a different color. If you have the time, you can also mark your SMZs, stream crossings, desired loading decks, etc. Alternately, you can have the buyer do this second marking and you can check it later. Even if you already have a good map of your property, you should make a special one just for the harvest. Make the map as accurate as possible and clearly mark the areas to be harvested. Annotate the SMZs, stream crossings, suggested loading decks, environmentally sensitive or special areas to be protected, and so forth. Also show all existing timber roads and any new ones you feel the producer should construct as he conducts the harvest. Include the number of acres in the various areas; the section, township and range of the property; a north marker; and a scale of distances. It is a good idea to indicate the adjacent landowners around the periphery of your property. Topographic maps such as the U.S. Geological Survey 7.5 minute series will be helpful to you, as will

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the aerial (satellite) photographs found in your state forestry commission office, county courthouse revenue commissioner's office or your Farm Service Agency office. One way to make your own timberland map is to use thin tracing paper to trace the outline of your property from the aerial map in one of the offices mentioned above. Also trace in the major features such as roads, streams, buildings, deep hollows, etc. Take this small-scale tracing to a copy machine and enlarge it. This technique is reasonably accurate and keeps the relative spatial relationship of objects in the proper scale. You can now refine this rough outline and add significant features from your topographic map and from field observations. After you finish, make several copies of the property map, since they will be needed by several people at the various stages of the timber sale. Of course, if you use a consulting forester to handle your sale, he will prepare an even better property map, probably using one of the several computer programs available.

4. Your last chance to decide if you are going to conduct the timber sale yourself or if you will need help. Up to this point, you have become very involved in the process of making

the timber sale—getting smart about timber sales, walking the ground, making a preliminary assessment of what you have to sell, making a timber map. By now you should know if you can conduct this sale yourself or if you should hire a consulting forester. It is your decision, but this is the last good time to make it. Even if you decide at this point to hire a consulting forester, you have learned a lot and will undoubtedly be a better manager of your timberland in the future.

5. Determining the method of sale. Selecting the appropriate selling method for your timber is a key element to enjoying a successful timber sale. There are two basic methods of sale: Lump sum sale or pay-as-cut sale (also called unit or scaled sale). There are other methods of sale or different twists on these two basic types, but these two methods are the ones used by most average landowners for their timber sales. You should probably consult a tax adviser before you determine the method of sale (see below).

a) Lump sum sale — In a lump sum sale, you receive a single payment for the timber before the harvest begins. The amount of payment

you receive is based on the amount of timber volume estimated by an inventory (cruise), and not by the actual volume harvested. For the landowner, it would be nice if these two figures were identical. But since this is rarely the case, the best thing you can do if you sell your timber by this lump sum method is to hire a consulting forester to conduct a thorough independent cruise beforehand. With this cruise you will have a professional's best estimate of what you will be selling and how much money you should get for it. It would be unwise to assume that the bidding process you will conduct later, and the dynamics of the free enterprise supply-and-demand process, will ensure that you get a fair price for your timber. The lump sum method is probably the most practical method for most non-industrial private forest landowners. It is also the more simple method, since you are relieved of the burden of keeping track of the amount of timber being harvested.

b) Pay-as-cut (or unit or scaled) sale — In a pay-as-cut sale, the buyer pays you for the timber by the species (pine, hardwood, etc.), categories (pulpwood, saw logs, chip-'n'-saw, etc.) and units as it is har-

(continued on page 42)

(continued from page 23)

vested, at pre-arranged prices per harvested unit. The units can be cords, thousand board feet (MBF), tons or any combination you and the buyer agree on. The pay-as-cut method can be the riskiest of the two methods to sell your timber under. With this system you can have wood stolen (taken to a different mill where you get no load ticket), purposely put in the wrong category during sorting at the loading deck (and later resorted out as a more valuable category on the mill's wood yard) and other tricks. To protect your interest during a timber harvest under the pay-as-cut method, you must thoroughly understand scaling systems, categories and species of forest products, current fair market values of all species and categories and have the time to be on site almost full-time to monitor sorting and to record the species and categories of each load that leaves the site. Since such demands on your time and experience level may be impractical, this could leave the lump sum method as your best bet. In summary, you should consider using the pay-as-cut method only if you have absolute trust in your buyer and his logging crew. Undoubtedly most of the buyers and loggers out there are trustworthy, but you must protect yourself from those unscrupulous few.

There are federal and state income tax considerations you should take into account before you make the final decision on the method of sale. These considerations will depend upon whether, for tax purposes, you are considered as a timberland investor or as someone who is in the business of selling timber or timberland. For details on the tax implications of each, consult with your accountant or a consulting forester or point your browser to the National Timber Tax Website at www.timbertax.org.

6. Advertising the sale.

You are now ready for the next step, to advertise for bids on your timber from as many potential buyers as practical. You can usually obtain a list of timber buyers in your region from your county forestry commission office. The purpose of the advertisement letter (also called a timber sale notice) is to let area timber buyers know what you have to sell and to provide other pertinent information they will need to make a bid on your timber. On your advertisement letter to the various timber buyers you should include such information as:

- The seller (or your agent's) name, address and telephone number.
- Location of the timber to be sold. Include the legal description found in your deed and directions to the tract, state how the boundaries are marked and include a copy of the map you made earlier.
- Description of the type of cut to be performed (clearcut, seed tree cut, thinning, shelter wood cut, etc.).
- Selling method (lump sum or pay-as-cut). If you have decided on a pay-as-cut method, instruct the potential buyers to include a unit price per species and category of product, as well as the scaling system and weight of volume to be used.
- State whether it's a sealed bid or oral auction system.
- Date, time and location that written (sealed) bids will be opened or when the oral auction will take place. Include how the successful bidder will be selected and notified.
- Times when potential buyers can visit and inspect the timber for sale. Two weeks is usually a minimum time, and one month should be an average maximum. It might be a



good idea to arrange a group tour of your tract for all potential buyers. If so, state the dates, times and other specifics of this tour in the letter.

- Whether or not a down payment is required to bind the offer.
- Any limitations or special considerations for the sale, such as adherence to BMPs, harvesting deadline, restrictions on access, restrictions on when loggers can operate, picking up of trash, disposal of tops and logging slash, conditions in which the roads should be left, etc. Keep in mind that if you impose too many restrictions on the buyer, it could result in lower and fewer bids for your timber.
- Consider mentioning: requirements for a performance bond to be posted and held in escrow; evidence that the buyer's logger carries workman's compensation insurance; and evidence of adequate liability insurance.
- Consider including the caveat: "The seller reserves the right to refuse any and all bids."

If the tract to be sold contains primarily specialty wood, if it is of small quantity or proof quality, or if you want to work with a particular buyer that you know and trust, consider a negotiated sale rather than using bids. In a negotiated sale the price you get is established by face-to-face bargaining between you and the buyer. Since this negotia-

Left: When planning for the timber harvest, decide where you want to construct new wildlife food plots or expand existing plots. Work with the timber contractor to designate these areas for clearcut or other considerations.

Below: Beware of the dangerous heavy logging equipment when doing on-site inspections. (Note the chips flying toward the photographer as the saw head digs into the tree.)

tion must be done for each potential buyer, it can be time-consuming.

7. Selecting the buyer. Selecting a buyer is not usually as clear-cut as selecting the highest bidder. Before selecting a buyer, carefully investigate his or her reputation. Has this



buyer previously harvested timber in your area? If so, talk with those owners to determine what kind of job the buyer did for them. Selecting the right buyer might also depend upon the type of harvest you want to conduct and the type of logging equipment the potential buyer has at his/her disposal. For example, thinning operations require particularly careful consideration of the buyer's reputation and the availability of specialty equipment.

8. Making the contract. Now that you have selected a buyer, it is time to draw up a contract. The contract can be made by the buyer or the seller. If you, as seller, elect to make the contract, you can have it done by an attorney or a consulting forester. If you decide to draw up the contract yourself, samples can

usually be obtained from local timber buyers or your local forestry commission office. The purpose of the timber sales contract is to protect the interests of both the buyer and the seller. Most of the items to be included in the contract have already been listed in your timber sales notice letter, but are worth restating at this point. Some of these items go in the blank spaces assigned them in the contract; others may be listed in a "Remarks" section. You should meet with the buyer and discuss the items to be included in the contract, and possibly meet a second time to review a rough draft to ensure it is satisfactory to both parties. You might also want to have a lawyer or consulting forester review your contract, especially if it involves a large sale. After the contract is complete, it should be signed by the landowner and the buyer, and be notarized. If you land has a mortgage and your banker deems it necessary, get a "cutting letter" from the bank and attach a copy to the contract. The essential elements of the contract include:

- The seller (or your agent's) name, address and telephone number.
- Location of the timber to be sold.
- Description of the type of cut to be performed.
- Payment method (lump sum or pay-as-cut with weekly payments based on scale tickets).
- Amount to be paid to seller (lump sum amount or pay-as-cut prices per species and category with scaling system and weight per volume to be used).
- Length of cutting contract (usually six to 18 months, depending upon size of tract, type of harvest and nature of the terrain).

Additional or optional elements include:

- BMPs to be adhered to.
- Guarantee of ownership (attach copy of deed).

- Construction standards for new logging roads.
- Post-harvest clean-up of tops, slash, derelict equipment and garbage.
- If this is to be a pine plantation thinning operation, you might want to spell out the exact method to be used (every third or fifth row clearcut and remove inferior trees from the remaining rows, directional felling, etc.).
- Specification of roads to be used for access.
- Ownership of tops and limbs suitable for firewood.
- Provisions that prohibit excessive damage to trees left standing and to improved property such as fences, culverts, etc.
- Provisions that protect the seller from workmen's compensation claims, liability lawsuits and property damage claims (if these are used, consult a lawyer for proper wording).
- Provisions that allow the sale agreement to be assigned to another buyer or logger only with the consent of the seller.
- Any limitations or special considerations such as environmental or endangered species areas, aesthetic or recreation areas to be left, restrictions on weather conditions during which loggers cannot operate, etc.
- Trespass cutting liability provisions.
- The seller reserves the right to on-site monitoring and inspection.

9. Walk the tract to be harvested with the buyer and logger. Now that the contract has been finalized, and before the actual logging operations start, it is a wise idea to walk the harvest site with the buyer and his logging crew supervisor. During this walk you can point out the boundaries, sensitive or restricted areas, location of fences and wildlife food plots; explain the management objectives of the harvest; and discuss in detail the size, location and final condition of the load-



Ensure your roads, stream crossings, etc. are addressed in the contract, and are put back into good shape after the timber harvest.

vested, put a second paint spot at the ground line of the tree. This will help prevent accidental cutting of unmarked trees. This ground line spot will remain as the logging proceeds, and serve as a check that only marked trees were harvested.

ing decks. This walk also gives you and the buyer and logger a chance to get to know each other and what to expect of each other.

10. Mark the trees to be cut or those to be left standing. Unless you are going to conduct a clearcut, now is the time to do some tree marking, or at least talk about it with the logging crew supervisor who will be doing your harvest. If you do any individual tree marking, whether you mark the ones to be cut or the ones to leave depends upon the type of harvest you are going to conduct. A general rule is to mark the category — either cut or leave — that contains the smallest amount. This saves a lot of work and paint. If it's going to be a seed tree cut, where you are leaving only five to nine seed trees per acre, it's a good idea to mark these yourself because it doesn't take much time, you will probably be more selective and it gives you a chance to walk the ground again.

When marking individual trees to be cut or left standing, a paint marking gun will make the job go more quickly. Trees marked for harvest or to be left standing should be clearly delineated so they can be easily identified by the equipment operators. This is best done by marking each tree with a spot of paint about chest to head high. Place the spots on the same side of each tree so the equipment operators will know there is a system and where to look. If you are marking trees to be har-

If the harvest will be a first thinning of planted pines or of natural growth pine, marking can be a major job. One way to eliminate this time-consuming task is to be on the site the first day to explain your requirements to the crew supervisor, feller/buncher operator and skidder driver. Afterward, have the logging crew conduct a demonstration cut in a small area. When this is finished you can talk it over, make adjustments and then let the crew go back to finish the job. There are many logging crews that specialize in first thinnings. If you get such an experienced crew, and if you are on the scene for the first few hours, you will probably find that marking individual trees beforehand is not necessary or desirable.

The necessity of marking individual trees to be cut or left standing for other types of harvest (such as shelter wood cuts, second thinnings, etc.) can be decided after talking with your logging crew supervisor. Again, you can probably do a small demonstration cut and then let the crew take it from there. If you decide to do some marking of individual trees (or hire it done), you will probably have plenty of time, because the time between inking the contract and starting the actual harvest can run from weeks to months.

11. Notify your neighboring landowners of the upcoming harvest.

Although this is not a legal requirement, it is wise to notify neighboring landowners that you have sold your timber and that harvest operations will be starting at some future date. This notification can be verbal or written, and may preempt problems such as land line and access road issues you are not aware of.

12. If reforestation will be required after the harvest, the plans should be underway now, even before you begin the harvest.

During the Timber Harvest

At this point you have done all your homework. You have been through the preliminary planning and paperwork. You have chosen a buyer. You have signed a contract. Your job is one-third done: Now it's time to put the blade to the wood. If you have made a pay-as-cut contract, close supervision and monitoring is a necessity during the harvest. Even if you sold your timber on a lump sum contract, periodic monitoring is an absolute requirement.

Supervising and monitoring the timber harvest — One of the most important things you can do during a harvest is inspect it periodically. If you are under a pay-as-cut contract, monitor the sorting of the species and categories of logs at the loading deck. You should have a system of keeping a record — of species and category, along with time, date and trailer tag number — on each load that leaves the site. It would be best if you explained beforehand to the logging supervisor and to the buyer that you will be doing this, along with your management reasons for doing so. This is your property, and it is still your timber until it leaves the site and you are paid for it, so you owe no one an apology for keeping tabs on it. Under a pay-as-cut contract you should match your records against your copies of the timber load tickets each week (or other time period you have agreed upon). In doing this, you should understand that some loads

that were hauled out at the end of a given week may not actually be delivered to the mill until early the next week.

No matter what type of contract under which the harvest is conducted, there are many areas of the logging operation that require periodic inspections by the landowner. For example, you should keep an eye on road conditions, weather conditions, sensitive or restricted areas and conditions of stream crossings and drag trails. If this is a thinning cut, keep a close eye on damage to the remaining stand. By being on the scene periodically you will be in a position to stop or initiate actions that will save you much time and money later, and still not interfere with the logger's efficiency. If you see a need to stop or modify logging operations in any way, it is imperative that you make your wishes known to the on-scene logging supervisor — and not directly to the equipment operators. Just as in military operations, observing the chain of command is the only way to do business. Otherwise you can severely disrupt the relations between yourself and the logging crew, as well as cause internal crew problems.

When you are at a logging site during your timber harvest, always observe all appropriate safety practices and procedures. Getting too close to fellers/bunchers, skidders, etc. while they are in operation is extremely hazardous to your health. It's a good idea to wear a hard hat and steel-toe boots when you are on the logging site. Another action that may seem insignificant to you but which will endear you to the logging crew, is periodic weekend and holiday checks of the logging site. Such visits may discourage or stop cases of vandalism on the logger's expensive equipment as well as damage to your road system. If the site has limited access, installing a lock gate before the harvest starts — rather than doing so at

the end of the operation — can aid in discouraging vandalism or curious sightseers.

Closing the site — Even though the last stick of wood has been removed from the site, your responsibilities as the landowner and the job of the logging crew and buyer are not complete. There are several considerations, most of which are listed in the contract, that must be taken care of before the job is complete. Some of these include: Putting the logging decks and roads into the condition you desire; disposing of all trash, logging slash and derelict equipment; removing temporary stream crossings; putting up a gate and lock on the access road entering the site; and any other items you have in the contract or feel should be done. Remember, once the buyer and his logging crew take their heavy equipment from your property, your chances of getting them back to do something are slim.

After the Timber Harvest

Now, two-thirds of your work is over. However, the remaining one-third you have yet to do is just as important as the first two-thirds. Some of the things you should do now include:

1. Write a letter releasing the buyer from the contract.
2. Return the performance deposit, if you required one.
3. Write a complimentary letter to the supervisor of the buyer and logging crew if they did an outstanding job for you. If the logger was especially efficient and effective, call your country forestry planning committee and find out how to submit his name to the "logger of the year" competition. These are subtle — but important — acts.
4. Collect all your timber harvest figures and statistics and make up a summary of the harvest to go in your timber records. If you sold it

by lump sum, use your timber cruise data to do this. If you sold on a pay-as-cut system, use your weekly receipts and individual load (scale) tickets. This information will come in handy not only for income tax filing but also for future planning.

5. Begin right away with any multiple use management tasks that were precipitated by the timber harvest. This may involve planting wildlife food plots at the loading decks; planting grasses on roads and other erodable areas; touching up roads and water bars; and converting temporary stream crossings to permanent ones. Remember, prompt action taken here will pay off in preventing erosion and in enhancing your wildlife populations.
6. If your harvest was a clearcut and was not a seed-in-place situation, you should start right away with your plans for regeneration for the site. If you have not already done so, head directly to your county Farm Services Agency or NRCS offices to find the specifics on signing up for any state or federal cost-share programs for site preparation, purchase of seedlings and seedling planting. You might also check on any cost-shares to assist you in repairing any highly erodable areas arising from the timber harvest.

Other than normal routine follow-up management, your timber harvest is now over. It's time to breathe deeply, pat yourself on the back for a job well done, and head directly to the local general store to celebrate with an RC cola and a Moon Pie. 🌿

Don C. East won the Alabama Tree Farmer of the Year Award in 2002 and the Helene Mosley Memorial Treasure Forest Award for the northeast region of Alabama in 1999. Don and Lou East live on their Tree Farm in Lineville, Alabama.