



## Timber Theft

As a professional forester I need to say at the outset that this article is in no way intended to reflect on the honest hard working folk in the forest products community. I count many as friends and business associates that I greatly respect. Unfortunately they get broad brushed for the misdeeds of those who take advantage of forest owners.

Timber theft may be the most defining issue between forest owners and the forest products industry. By definition I'm including underpayment for timber as the most common case in this category. At present most of the timber sold in Missouri has no professional forester involved and is a transaction solely between a forest owner and a buyer. The owners are at a serious disadvantage because their knowledge level is very low and the unscrupled buyer is very knowledgeable. Timber is very different from selling a house or some other form of valuable property because this gap in knowledge is so wide.

Current Missouri law does not protect forest owners very well. If a forest owner has timber stolen they must pursue damages through the court system on their own. They must hire an attorney, a professional forester, and often a surveyor to help them with the case. The law does provide for triple damages plus costs without need to prove negligence or intent if the case is won. Few underpayment cases are pursued for lack of awareness. The most common case I get called on is one where 20-30 trees were cut. I advise these owners to forget it because it's just not worth the hassle, and most heed my advice.

Theft is an issue for police action. It is one of the tasks we the people delegate to our government. If you steal a lawnmower you will be arrested by an officer of the law, who will document the case and file it with the court. They will testify to the facts of the case in an unbiased manner. Without fail,

every time I am on the witness stand as an expert witness the opposing attorney will attack my credibility by asking me if I'm being paid for my testimony. This problem could be avoided if the testimony came from an agent of the law instead.

The first meeting of stakeholders for revision of the State Forestry Law was recently held at the Department of Conservation's headquarters in Jefferson City. The forest products community is a major stakeholder and they have the opportunity to separate themselves from bad actors by supporting inclusion of language that will better protect forest owners from those who intentionally seek to take advantage. Honest firms have nothing to fear from such a law and can improve the business atmosphere for all of us.

Timber theft is just one of many issues we have the opportunity to address as we work on the legislation to be proposed. We have not had an opportunity to make as significant a change in the future of forestry since the original Forestry Law was enacted in 1946. I urge everyone to call our elected representatives and the forest products firms you know to be honest businesses to voice your support an improved forestry climate in Missouri.

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