

So you signed a logging contract...

NOW WHAT?

By Kirk Dahl and Steve Edge

Somewhere well before a logging contract was signed, a commitment was made to proceed. You or a forester determined what was to be done, marked the timber and got it sold. Perhaps there was a bidding process, but somehow a logger was selected and the snowball began rolling downhill. Congratulations! Take a breath, take some pictures, enjoy that accomplishment and brace yourself for phase two.

First, get going on any obligations you have as landowner. The contract may state, for example, that you are responsible for clearly identifying property boundaries. Use plastic flagging or spray paint. It is highly recommended to contact adjacent neighbors to let them know what's coming and to gain their agreement about boundaries and any other sticky matters. A formal agreement letter between neighbors may be helpful. Gates may need to be removed if they cannot accommodate the large trucks.

An excellent plan is to meet on site with your forester and/or loggers before the first twig is cut to be sure everyone is on the same page with compatible expectations. If you have access issues, that is the time to confirm how things will proceed. Those who do this work every day will want to establish what to do about steep hills, stream crossings, the need for new roads and turnarounds and the like. You should agree ahead of time where the log landings will be. Communicate with the logger about hunting structures, hazards, apple trees, well caps, pet cemeteries and other places of concern.

The contract typically will state when work has to be completed, but not when it has to start. There may be an imminent need for salvage after a windstorm or some other unusual situation in play, but often logging does not begin for a year or more after the signing. The logger may offer a rough timeline, such as "next winter," but unless there are more specifics in the contract, he (or she) is in control of the timing. Even then, there may be sudden changes dictated by his workload, weather, markets, etc. A good practice is to ask that you be notified as soon as the start date is known and to be in the loop if that date changes.

In Wisconsin, the law states that a cutting notice must be filed with the WDNR at least 30 days before merchantable timber is cut if the property is entered under the Managed Forest Law (MFL). Use DNR form 2450-032. Your forester may file that for you, but you as the landowner are ultimately responsible. A cutting notice also needs to be filed with the county clerk. They use this notice to verify that all property taxes are paid up to date. Visit your county website under the "County Clerk" tab to find the cutting notice form. Some

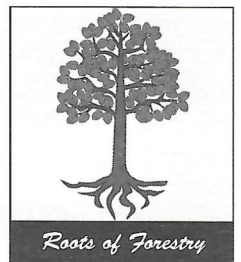
counties have these available for electronic submittal.

It's exciting when the loggers arrive, and you likely will want to be there at some point the first day or soon thereafter. If your stereotype is that loggers are probably big gnarly gruff barnacles who are extensions of their machines and who will be annoyed by your presence, you will instead be pleasantly surprised. By and large, they are respectful, thoughtful and accustomed to working with landowners, and they often seem to welcome a visitor during what otherwise can be a pretty solitary day.

Expect the shock of a major transformation in the appearance of the land. Even after just a few hours of cutting, the change can be dramatic. You will want to take some pictures before, during and after work begins because it will never again look the same in your lifetime. But press on. The initially stark appearance will progressively resolve.

As to other expectations, a good contract will have already addressed many of them. Agreeing in advance about liability insurance, performance bonds, accountability for logs removed from the site, adherence to best management practices and so on will keep unhappy surprises to a minimum. The WWOA website has a good sample timber sale contract at <https://wisconsinwoodlands.org/resources/publications/>. Things won't go perfectly. Expect a few trees intended to be part of the residual stand to be damaged or maybe even accidentally cut. Roads may get rutted, fences damaged, plantings trampled. Don't accept careless work, and you have rights under the contract, but also be realistic. Very little in life goes perfectly according to plan. Point out where you are disappointed in the work if need be, and things likely can be worked out. Avoid the temptation to micromanage as experienced logging professionals know what constitutes quality work and what the acceptable standards are.

On the other hand, you know the land better than anyone and certainly know your preferences. Sometimes there are pockets marked for cutting that get overlooked and need to be pointed out. Maybe they need to create a new landing or road, and you need to be involved with those decisions. If there is something major that you decide you want done differently, it never hurts to ask. Contracts can be modified, additional timber can be marked, and often there is a win-win solution that benefits all. It is not unreasonable to ask for a minor favor here and there, such as pulling down a hung tree or bulldozing out an isolated bothersome stump.



Look for this logo on stories that are introductory to forest management.

Always have safety in mind. If you show up unannounced, be sure to stay clear of any felling until the operators know of your presence. Wear bright clothing, not hunting camo. Approach toward the front of machinery, never from the sides or behind. Often operators will take a break when they see you, but if not, a simple signal to stop will undoubtedly bring a halt to the cutting and allow you to approach safely. Hollering is pointless. There are many other safety concerns at the site, so be alert and be cautious.

Loggers often take the weekend off, so that is a good time to do an inspection or bring other viewers to the site. On the other hand, their schedule is often disrupted by weather and equipment breakdowns, in which case they may elect to make up for lost time by showing up unexpectedly on weekends. Heavy equipment typically stays on site throughout the operation.

Logs pile up on the landings, but usually they are being hauled out concurrently with additional cutting, so the piles themselves may not grow all that large or reflect how much has been cut. Haulers usually don't start showing up until after a week or more of cutting is done. Similarly the trucks will come and go for perhaps several weeks after the cutting has finished. The last load often is less than a full load and may take much longer to be removed if removal has to be coordinated with some other sale. Logging trucks can block the road near the landing when loading up, so plan accordingly.

One key point is to be sure everything gets done before the equipment is removed from the site. It is impractical for the logger to bring equipment back later if something is missed.

If the sale is a lump sum sale, you will usually receive a down payment in advance and receive payment for the balance when the work is done, and you don't need to monitor how much wood is removed. However, if you are being paid according to the volume or weight of timber removed, both the logger and the landowner need an accurate tally of that. There are various systems in use involving load tickets, mill scale slips, computerized tracking, trucking reports, sometimes even trail cameras. Trail cams can protect both the landowner and logger interests. Identify how the system works for your logger and/or forester. Trucks will come and go, hauling wood away whether you know it or not, but the risk of logs disappearing unaccountably is small.

Landowners may receive partial payment every few weeks or so for large operations, but if it is a smaller sale, perhaps the payment will be all in one check after everything has been cut and removed. It is not unusual for many weeks to pass between the last log being hauled and the last check to arrive. Spelling out the plan in the contract is best.

Logging leaves a mess, no question about it. But plan to leave the slash piles alone. They provide habitat and eventually decompose, enriching the soil. Unsightly piles near your most frequently traveled roads can be whittled down some, and there may be practical access to decent firewood to make a selective cleanup effort worthwhile, but otherwise it is totally sound practice to just leave the slash and let nature take its course.

Contracts often specify restoration of roads. Once everything else is complete, the contractor should push any



Photo: Kirk Dahl

While logs may pile up, they usually are hauled out concurrently with additional cutting.

obstructing slash off roads and restore them to their original condition or to your specifications. While they are there, you may want to have other grading work done, but expect to be charged for that. Seeding to prevent erosion can be part of the contract, or conducted by the landowner later, or simply be disregarded if deemed not to be necessary.

Once all the wood is removed and tallied, you must file a cutting report for MFL lands. This is done on the same WDNR form as the original cutting notice. This must show quantities cut and be signed and filed within 30 days of completion. No final cutting reports need to be filed with the county clerk.

If everything is satisfactory, the performance bond should be returned to the logger. By mutual agreement, the performance bond amount could just be subtracted from the final stumpage payment. Keep accurate records, as this is important for both income tax purposes and forest certification, if that applies.

If a timber harvest is part of your plan, don't let the process deter you. Generally, everything unfolds at a manageable pace. The work is soon behind you, the checks are in the bank and you will have had an interesting experience.

Then begin adjusting to the new character of the land. Mission accomplished.



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