

P a r t F i v e
Clip-n-Copy Pages

Outreach education to land owners is one strategy for promoting conservation of undeveloped forest land. The following Clip-n-Copy pages are easy to copy for distributing to landowners at town offices and other public locations.

Maine Forest Service Information and Technical Assistance

Information is Provided on the Following:

- ▶ Forest Practices Act and Rules
- ▶ Maine Tree Growth Tax Law
- ▶ Best Management Practices for Forestry
- ▶ Silvicultural Activities Report
- ▶ Directory of Wood Processors
- ▶ Stumpage Prices
- ▶ Wood Processors
- ▶ Shoreland Zoning
- ▶ Comprehensive Town Planning
- ▶ Timber Harvesting
- ▶ Small Woodlot Management
- ▶ Backyard Forestry
- ▶ Forest Insects and Disease
- ▶ Forest Fire Prevention

...And Much More. Call Us!

Technical and Field Assistance

- ▶ Community Forestry Grants Program
- ▶ Forest Stewardship Assistance Program for Small Woodlot Owners
- ▶ Rural Development Through Forestry Program
- ▶ Maine Forest Service Field Foresters
- ▶ Water Quality and Best Management Practices
- ▶ Utilization and Marketing of Forest Products
- ▶ Forest Insects and Disease
- ▶ Forest Fire Prevention

...and visit our website at <http://www.state.me.us/doc/mfs>



Maine Forest Service
22 State House Station, Augusta, Maine 04333
1-800-367-0223 or (207) 287-2791

**Protect Yourself —
Call *Before* You Cut!**

Protect Yourself and Your Land with a Timber Harvest Contract

A landowner should always have a written contract with a timber buyer (*logger*) if they plan to harvest timber. A written and signed contract is a legally binding document that protects both the landowner and the timber buyer by listing and clarifying the responsibilities of each party. For a sample contract, contact the Maine Forest Service and ask for a copy of *A Suggested Timber Sale Agreement*.

Landowners typically sell “stumpage” to a logger. Stumpage is the value of trees “on the stump” before they are cut. When selling stumpage to a logger, the landowner sells trees designated in the contract. Often with the assistance of a Licensed Professional Forester, the seller (*the landowner*) and the buyer (*the logger*) determine the volume of timber to be cut and negotiate the terms of payment and price per unit (*board foot, ton cord, etc.*).

At a minimum, a good timber sales contract should:

- ▶ Describe the land and boundary lines.
- ▶ Guarantee title to the property to be harvested.
- ▶ Include a map of your property with the harvest boundaries clearly marked.
- ▶ Specify the amount of timber to be harvested, the prices to be paid for the timber and the manner, time and method of payment
- ▶ Describe the timber being sold, its location and how it will be marked for identification.
- ▶ Describe the logging methods to be used, specify log standards and associated prices for different uses (*veneer logs and sawlogs, for example, are worth more than pulp*).
- ▶ Specify the location of log landings, roads and skid trails (*if desired*) and require that those areas be stabilized and revegetated (*if appropriate*) after harvesting.
- ▶ Specify the time period covered by the contract.
- ▶ Prohibit excessive damage to unmarked trees and improved property such as buildings, fences and roads.
- ▶ Specify the penalties the buyer must pay if unmarked trees are cut or damaged.
- ▶ Assign liability for losses caused by the buyer (*or his agents*) to protect the landowner from workers’ compensation claims, liability lawsuits and property damage claims.

If the logger is determined to be an independent contractor for workers’ compensation purposes, the contract must contain the wording “The independent contractor will not hire any employees to assist in the wood harvesting without first providing the required certificate of insurance to the landowner.”

- ▶ Specify protection of soil, water and recreational values.
- ▶ Require the use of Best Management Practices where appropriate.
- ▶ Require that the buyer abide by all local, state and federal laws and regulations.
- ▶ Allow the sale agreement to be assigned to another logger only with the written consent of the seller.



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Protect Water and Wildlife During Timber Harvests: *Best Management Practices (BMP's) for Forestry*

Forest streams, lakes and rivers naturally have good, clean water. Proper timber harvesting can protect water quality and good forest management can improve it, but improper timber harvesting causes soil erosion and degrades water quality as a result.

How does it happen?

- ▶ Duff, slash and ground plants are removed and soil gets scraped off, torn up, or pushed away.
- ▶ Water movement occurs in the form of driving rain, melting snow, or high stream levels.
- ▶ Water accumulates and gathers enough speed to pick up soil.
- ▶ The increased flow of water deepens and widens a waterway, creating a fast moving channel.

The Result

Water with soil suspended in it flows across the ground and into a stream, river, or lake and dumps its load of mud onto the bottom. Or silt creates cloudy water far downstream. Fish and other small aquatic animals are choked as a result. The silt also buries fish eggs and smothers small insects and invertebrates that fish rely on for food. With nothing in place to slow water movement, each new rainfall cuts away at exposed soil and brings a fresh load of sediment into the waterway.

BMP techniques prevent erosion and poor water quality. Use them on forest roads, yards and landings, skid trails, stream crossings or wherever logging equipment operates.

BMP's prevent erosion by:

- ▶ Stabilizing the soil by maintaining natural vegetation that filters out silt, or by using natural or man-made materials to cover exposed soils.

- ▶ Slowing down water (*especially on steep slopes*) with water bars, skid humps, or other structures.
- ▶ Spreading water out by diverting it from exposed areas back into undisturbed vegetation.
- ▶ Preventing stream channels from deepening and widening.

The most important BMP: PLAN AHEAD.

- ▶ Know the direction water will flow across the ground and where it will end up.
- ▶ Identify natural water bodies and avoid harvesting activity near them when possible.
- ▶ Limit the area of disturbed soil or work only on frozen or snow-covered ground.
- ▶ Stabilize exposed soil with brush, mulch, or other materials BEFORE erosion occurs.
- ▶ Avoid steep slopes and use techniques to break up and divert the flow of water, BEFORE channels form in waterways.
- ▶ Use as few stream crossings as necessary and build them to accommodate high water levels.
- ▶ Stabilize and/or replant the area after the timber harvest.

The End Result

The end result is a timber harvest that keeps mud out of streams, rivers and ponds, avoids water quality problems, looks good and keeps fish and other aquatic life healthy.

Contact the Maine Forest Service for a booklet on Forest Water Quality BMP's.



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Avoid Property Boundary Disputes

Robert Frost wrote: “Good fences make good neighbors.” This is as true today as when he wrote it. In fact, with more expensive land and higher timber values, good boundaries are even more important now than they were in the past. Timber trespass can be expensive in terms of money and lost time. The wise person avoids it.

The following information will help landowners avoid boundary problems:

Establishment

1. Only a licensed surveyor can establish a line where there are no existing monuments or blazes. Surveyors are licensed in the State of Maine under 32 MRSA § 13901 et seq. Copies of the law and a roster of land surveyors licensed to practice in Maine are available from the State Board of Licensure for Professional Land Surveyors (35 State House Station, Augusta, ME 04333; (207) 624-8603. The Land Surveyor uses information contained within the deeds of record and evidence obtained from measurements taken on the ground to establish a line.

2. The landowner or a licensed forester may maintain a line, or re-establish one where some monuments or blazes still exist. If you cannot sight from one blaze to another, you should probably get the line surveyed by a licensed surveyor. A boundary line shown simply by blazed trees may give the appearance of a boundary, but could be located differently after an accurate survey.

3. Monuments are established by the surveyor. They may include stone posts, iron bars and the like. Blazes should not be considered as a monument. Blazes are approximations of where the line lies. A cap listing the surveyor’s license number must be placed on the corner posts.

4. Because blazed tree on the line may be evidence of the exact location of the line (*servicing as witness trees*) they should not be cut. They generally have little value for timber, since the blaze or old fencing tacked to the boundary provides an avenue for bacteria and fungi to invade, which causes rot. Additionally, iron from a fence or other item tacked to the tree will cause the sawmill to reject the log when it arrives.

5. When there is a disagreement about a line, it should be surveyed. Adjacent landowners may agree to share the cost of the survey, but this arrangement should be agreed on before the survey is done. Before permanently marking the boundary by either blazing or painting, it is best to walk the line with the adjoining owner to ensure the boundary location is mutually agreeable.

Maintenance

1. Boundaries should be painted with a high quality, easily seen paint, such as yellow, orange, blue, or red. These colors are visible for long distances. Use high grade paint for durability. Inexpensive paint will wear off. Paint specifically formulated for boundaries are available from forestry supply companies. Apply paint only when bark is warm and dry for good penetration and staying power. Paint witness trees at the intersection of boundary lines.

2. In blazing and painting trees along the boundary line, the following rule is used:

a. If the line passes through the middle of the tree, blaze and paint on both sides of the tree where the line passes through the tree.

b. Where the lines passes adjacent to the tree, blaze and paint one point immediately adjacent to the line.

c. Be sure to blaze and paint both sides of the line so that it can be seen from either side.

This will help prevent accidental trespass.

3. If possible, avoid blazing large size trees of commercial species, as this encourages decay. Blazes should be 4 to 5 inches in diameter and located approximately five feet above the ground. Blaze often enough so that it is possible to see the next spot easily.

4. Boundary lines should be brushed out for easy traveling and locating. Pruning of limbs up to head high and cutting down small trees along the line will help. Cutting any vegetation on another’s property requires permission. Check with the adjoining landowner before proceeding.

5. Corner posts should be of some permanent material, with adjoining trees (*witnesses*) marked so they are easy to locate. Trees (*except for long lasting*



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Avoid Property Boundary Disputes *continued*

cedar) are poor corner posts since they rot, fall to the ground and disintegrate within a few years. Stone provides a more permanent corner, but it is heavy and difficult to transport. Iron pipe is long lasting, easily transported and inexpensive. It drives easily into the ground, whereas holes must be dug for stone posts. If possible, always pile smaller, easily available stones around any corner post. Paint corner posts.

6. High quality paint, properly applied, should last at least ten years in the woods; axe blazes should last longer. For best results, lines should be checked annually to be sure that they are still in good shape. Lines and corners should be shown and explained to family members so they can locate them.

Timber Harvesting & Boundaries

1. A landowner who authorizes cutting timber (*for any purpose*) on their property (*when the cutting involves an area of 10 or more acres*) is responsible for clearly marking any property lines within 200 feet of the areas to be cut. The landowner may authorize another individual to mark the property line. If the property lines are not clearly marked and timber is cut from an abutting property without the authorization of the abutting landowner, the landowner who initiated the timber harvest (*or the authorized agent of the landowner, or both*) who failed to mark the property lines is liable in a civil action (*with double damages*) to the owner of the abutting land (*14 MRSA '7552-A*).

2. Whoever (*stumpage owner, operator, landowner, or agent*) cuts, causes or allows the cutting of any forest

growth on abutting land that is outside the limits of the unorganized territory (*or within the unorganized territory but which borders property outside of it*) shall dispose of the slash in the following manner:

All slash resulting from cutting of forest growth shall not remain on the ground within 25 feet of the property line, if the director of the Maine Forest Service (*on his own initiative or on written complaint of another*) declares that the situation constitutes a fire hazard.

All slash resulting from cutting of forest growth shall be removed the required and scattered or chipped (*not piled in windrows*) within 30 days after cutting or within 30 days of notification to remove by the director of the Maine Forest Service.

“Slash” is legally defined as branches, bark, tops, chunks, cull logs, uprooted stumps and broken or uprooted trees left on the ground as a result of logging, right-of-way construction or maintenance and land clearance (*12 MRSA '9331 - 9336*).



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