ABSENTEE LANDOWNER LOSES TIMBER VALUED IN EXCESS OF $25,000

Timber Security: theft

INTRODUCTION: An absentee landowner living in Virginia has been actively managing his distant timberlands for seven years. Working with local foresters, he developed a long-term management plan for the property. Recently he received a letter from a neighbor advising him that the timber on his property was being harvested. Surprised, the landowner responded, but both the timber and the offending logger were long gone.

SECURITY BREACH/DAMAGE: Taking advantage of the landowner's absence, a local timber dealer/broker scheduled harvesting operations on the landowner's land, moved in a logging crew, clearcut the timber, shipped the logs to a nearby mill, and pocketed the proceeds. The timber removed was valued in excess of $25,000.

RECOGNITION: A neighbor noticed the harvesting operation and wrote a letter to the landowner advising him of the harvesting operation. The letter did not arrive in time for the landowner to stop the harvest and prevent the loss.

ACTIONS TAKEN: The landowner first attempted to obtain compensation from the timber dealer who scheduled the harvest. The timber dealer stated that she was a single parent and had no money. She further stated that she sold the landowner's timber because she needed the money to feed her children. The landowner contacted the local authorities in an attempt to recover the value of his timber but the only option offered was to press criminal charges. The landowner was reluctant to swear out an arrest warrant because it would not help in recovering his loss. Civil action would also be meaningless, as the timber dealer has no assets. The landowner contacted the mill that purchased the timber and asked for documentation and help. To date he has received neither. To complicate matters, the local forestry commission has contacted the landowner and asked him for his timetable and plan to replant the cutover land.

COMMENT: Absentee landowners are prime targets for timber theft. Most fail to realize the value of the asset they hold and how attractive the timber may appear to those with the means to harvest and sell the logs. In this case, the landowner was doing his best to manage the property and had contacted local foresters and neighbors when visiting his lands. These contacts paid off in alerting him to the theft. However, because he does not live near the site, the alert came too late to prevent the loss, and the local authorities are slow to act against the timber broker, a local resident.

RECOMMENDATIONS: Absentee landowners should maintain close contacts with neighbors and local foresters. These people can serve as the landowner's eyes while he is away and can contact the local authorities if theft occurs. Whenever possible, the landowner should visit the property and renew these contacts with the neighbors. Close contacts with the local forestry commission and law enforcement officers are often invaluable in obtaining a prompt, effective response. Leaving a telephone number along with a name and address will speed up any contact in the event of an emergency.

Most security personnel lean toward criminal prosecution when the evidence supports a case. This deters the thief from continuing the practice of stealing. Civil action is also effective if the thief has assets or may have assets in the future.
THE REST OF THE STORY!
While the incident related above is, unfortunately, a too frequent occurrence for absentee landowners, this incident comes with additional details that may be of interest to the reader. The landowner lived in Virginia, but his timberlands were not located in the United States. In 1944, the landowner was a small boy and living in German occupied Latvia. His father secretly clearcut a small block of timber in the interior of the family lands without permission of the occupying forces and used the proceeds of the harvest to smuggle his family out of the country just ahead of the invading Russian army. The family eventually made their way to Ellis Island and settled in the United States. The family lands in Latvia were confiscated by the newly installed Communist government.

With the fall of the Iron Curtain and the dissolution of the Soviet Union, this former Latvian citizen was able to regain title to his family’s property. In subsequent visits he renewed contacts with family members in Latvia, filed a management plan with the local forestry commission, and actually found the logging site where his father had cut the timber that financed their flight to freedom.

When the timber theft occurred, a neighbor in Latvia wrote a letter to the owner in Virginia. Unfortunately, the letter took weeks to arrive, and by the time the owner was alerted the theft was complete. The timber was sold to a mill in Sweden, and the Swedish mill showed little interest in assisting in a timber theft investigation in neighboring Latvia. The mill was also somewhat less than enthusiastic in being seen as the “deep pocket” for reparations. The forestry commission is reluctant to open an investigation against a local resident when the primary complainant is a foreigner. From all accounts, the proceeds from the timber theft have been spent, and the timber broker has no other funds or assets. To add insult to injury, the local forestry commission is pressing the landowner to immediately replant his lands and keep his lands in a productive state. If he does not replant the lands soon, it will be done for him and he will be billed for the expense.

Timber theft investigations are complex and usually require the documentation associated with timber sales, i.e., timber deeds, delivery tickets, scale slips and weight tickets, cancelled checks and receipts. In this case, little of these data are available or forthcoming, and none of the documentation is in English. While the landowner has not given up, the lack of someone to pursue his case in Latvia is severely crippling his chances of recovering his lost assets.

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