

You and Your Forest Land

A publication of the New Hampshire Timberland Owners Association

Timber Trespass: How to prevent it from happening to you

Timber on your land is considered your property, and just as it is illegal for someone to steal your property from your home or business, it is illegal for someone to cut or damage the trees on your land.

The legal definition of timber trespass is “the negligent cutting, felling, destroying, injuring, or carrying away of any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person’s agent”. In addition, the unauthorized modification of a boundary marker is also considered timber trespass.

Penalties for timber trespass vary. Illegally altering boundary markers is a misdemeanor offense. Removing timber without permission can result in civil or criminal penalties. The violation is a misdemeanor if the property taken is less than \$1,000, and a Class B felony if more than \$1,000. In addition, there is a fine of 3 to 10 times the market value of every tree destroyed or carried away.

Steps to Prevent Timber Trespass

There are some simple steps you can take in order to prevent timber trespass from happening on your land. Most importantly, clearly mark all your property boundaries. If you are unable to locate and mark your own boundary lines, hire a licensed forester or a licensed surveyor to perform the work for you.

If your boundary lines are well-established and a harvesting operation is being conducted adjacent to your boundaries, inspect your lines periodically during the course of the operation to ensure the lines are respected.

If Timber Trespass Has Occurred

If you suspect a timber trespass has occurred, check your lines adjacent to the harvest to confirm

that a trespass has actually occurred. If the harvesting operation is still on-going, notify the operator. If the trespass appears accidental or of minor degree (e.g. one or two borderline trees), negotiate fair compensation. Remember, the sooner you detect the trespass the more likely you are to negotiate just compensation. If the operation has been completed, you can still seek compensation, although it will be more difficult to pursue the case. Contact the NH Division of Forests and Lands at (603) 271-2217 for assistance.

If the trespass appears to be a blatant entry onto your land, with apparent equipment tracks and several large trees removed from well within your boundary line, notify your local police and the NH Division of Forests and Lands immediately. You or the affected party will probably need to have a licensed forester determine the volume and value of timber removed, in order to estimate the appropriate compensation.

-Material for this article was gathered from the NH Woodlot Owners’ Guide, a project of the New Hampshire Timberland Owners Association.

For more information, contact the **New Hampshire Timberland Owners Association at 54 Portsmouth St., Concord, NH 03301, phone (603) 224-9699.**

Founded in 1911, the NHTOA is a non-profit organization of forest landowners, foresters, loggers and wood-using industries, dedicated to the promotion of good forestry and a healthy forest products industry



