

Safeguard Your Forest Part II

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As you may recall, in the last edition of the *Virginia Forest Landowner Update* (Winter 2013) I shared my experience with timber trespass, a result of my boundary lines being poorly marked. And, as promised, in this edition I will share with you what I learned about how to accurately locate and mark my boundary lines, which should minimize future problems.

As I learned, a well-marked boundary line can help protect your assets. While a forest fire, the gypsy moth, the emerald ash borer, or kudzu will not stop at your property line, other things that can harm your forest assets may just decide to leave your trees alone if they can see they are crossing a well-marked boundary line. A highly visible property line shows people that they are entering someone else's land.

What I could-a, would-a, should-a done a long time ago was to mark the property boundary along the fence that my grandfather built around the property. If only I had taken the time and modest expense of painting the line, I would not have had to pay a high price to have the property surveyed; and maybe the logger working on the neighboring property would not have cut my trees.

In Virginia, there are many acres in ownership that go back multiple generations, and in some cases back to the King's grant. And in the early days of our country, property surveys were not very accurate. A description might be "begin at a 24-inch chestnut tree, go along Dipper Creek to a big rock, thence northeasterly 20 poles to a fence post, south along the Jones line for 500 poles to a 30-inch white oak stump, and follow the center line of the meandering creek back to the starting point." The property might be described as 50 acres more or less. If marked, the property line would be identified with three hacks or blazes on either side of trees which were on the line.

If you can read the handwriting on the survey, you can find out how long a pole actually is, and you realize that the chestnut is no longer anywhere to be found, no one alive has any notion of who the Jones were, and the meandering creek is now a beaver pond. You see how challenging this can become. And many people, like me, just know their boundaries from a walk with Granddad one afternoon, thirty years ago.

So often, as in my case, timber is sold on a property by an owner to a purchaser and the owner will typically walk the boundary with the purchaser and mark a boundary with plastic flagging. So the purchaser is taking the owner at his word and on good faith that the boundary is correct. Sadly, many times the investigation stops here and harvesting begins. This is frequently when mistakes are

made. A careful purchaser will take a trip to the courthouse and pull the deed and any adjacent deeds prior to initiating a timber harvest. This verifies ownership, confirms boundaries, and identifies places where boundaries are unclear. This step alone can resolve many potential mistakes. In cases where there is still uncertainty, employing the professional services of a forester or a surveyor is advised. In fact, I would advise employing a consultant forester for any significant timber sale and a surveyor for any property where a modern plat has not been established.

Once an authoritative boundary has been established, mark it and maintain those marks. A surveyor will install pins at corners and directional changes, but these pins are driven in the ground and not very obvious in a forested setting. So to enhance the boundary, typically trees are marked by chopping slashes in the bark with a machete. It is usual to scrape and apply paint hash marks at frequent intervals (50 – 100") along a boundary. These painted boundary trees not only assist in avoiding timber trespass, but if properly applied, can serve as posting against trespassing of any kind.

Using aluminum-colored paint to create a vertical line at least 2 inches in width and at least 8 inches in length, no less than 3 feet and not more than 6 feet from the ground or normal water surface and visible when approaching the property achieves this posting in lieu of signage. This bark scraping and paint technique is typically effective for about 7 years, at which time repainting is advised.



***A well-marked
line tree.
Photo by: Bill
Worrell, VCE.***

This establishment and maintenance of boundaries is an important first step in avoiding liability due to trespass, adverse possession (taking of land unclaimed for seven years), and timber trespass. Folks who do find timber stolen from their property have recourse. However, as I found out first-

hand, this process typically incurs much time and expense. Based on my experience, I would encourage anyone owning property to have boundaries established and maintained, to save many headaches and to give you peace of mind. Remember, most good honest people will not cut trees on the other side of a well-marked property line. But this assumes your property line is well-marked!

To learn more about locating and marking your boundary lines, see the publication: Megalos, M.A. and R.A. Hamilton. Woodland Owner Notes: Maintaining Forest Property Boundaries. NC Cooperative Extension Publication WON-35. Available at:

<http://www.ces.ncsu.edu/forestry/pdf/WON/won35.pdf>. Also, this is a topic covered in detail during the On-line Woodland Options for Landowners class which is offered every spring. The next class will begin in March 2014.

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