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Hurricane Katrina And Private Forest Ownerships

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Introduction

The trees and forests of the area impacted by Katrina, like the people and communities, have all been affected by the storm. Some effects were catastrophic, with large areas of broken or uprooted timber. Other areas suffered minimal damage, wind stress, broken limbs and lost foliage. The catastrophic loss is immediately evident; the more subtle effects may take months or years to manifest themselves in reduced tree growth, increased susceptibility to insect and disease attack, and splits and shake that ultimately reduce the value of the tree for solid wood products.

These trees and forests constitute a considerable share of the wealth of the area. Many Mississippians have looked to an investment in land and timber as support for their retirement, for college funds, or simply as “rainy day” reserves. Others have used the value of their lands and forests as collateral when borrowing money for other purposes. The reasons for ownership and investment in timber are many, the strategies for managing that investment complex, and the expectations for that investment have been realistic under normal circumstances. Katrina changed things.

Salvaging hurricane damaged timber and returning the affected forest areas to productivity as quickly as possible are necessary and formidable tasks.

Salvage Operations on Private Land

One factor that complicates the process in the southern coastal plain areas is the number and size of individual forested ownerships. Timber salvage on these smaller ownerships requires a different protocol than would be used on large private or industrial ownerships.

Each parcel must be dealt with separately. Tasks that would be simple in normal times become complex and time consuming following a natural disaster. The purchaser of the timber or the contractor handling the salvage must be sure the person with whom they are dealing is actually the owner of the property and has the right to enter into an agreement. This requires a deed search at the courthouse. County clerks, if the records escaped damage, are probably stretched thin, because the same requirements apply to any contractor undertaking salvage or reconstruction on private and commercial property.

The map of the percentage of individual parcels of uncultivated land within survey sections for a portion of Stone County (one of the Mississippi counties directly in the path of the hurricane)

demonstrates that the ownership is both fragmented and dispersed across the landscape¹ (Figure 1). This is the result of two hundred years of land use in agriculture and forestry, the concentration of agriculture on the areas of the most fertile and productive soils, infrastructure development, and the subdivision of land over time and with population growth.

STONE CO.-PERCENT OF AREA IN PRIVATELY OWNED UNCULTIVATED PARCELS BY SURVEY SECTION

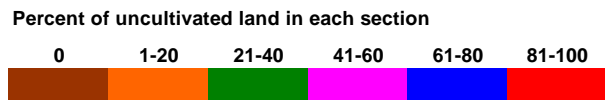
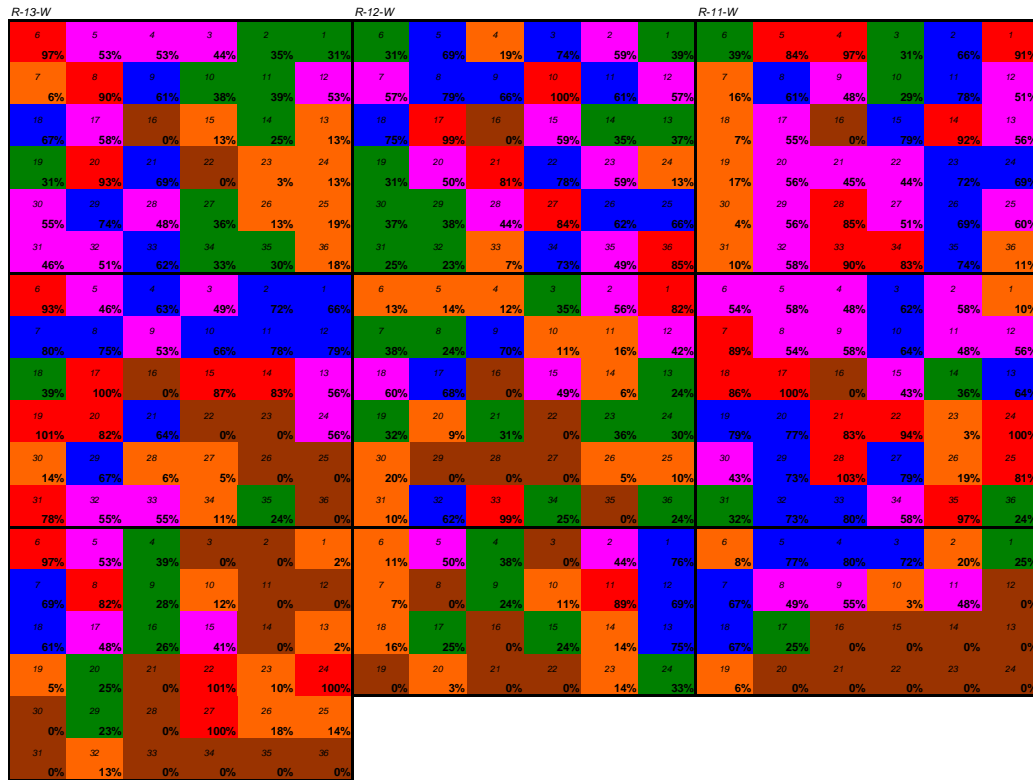


Figure 1. Percentage of privately owned, uncultivated land by section for a portion of Stone County Mississippi.

Parcel sizes of uncultivated land for 11 counties in the area affected by the storm (Clarke, Covington, Forrest, George, Greene, Harrison, Jones, Lamar, Marion, Simpson, and Stone) were summarized to develop an estimate of the number of parcels and the total acreage by parcel size involved. These counties contain 72,271 individual parcels of uncultivated land ranging in size from one to 640 acres (tax rolls break ownerships larger than 640 acres into individual survey sections). The distribution of sizes is shown in Figure 2. Over twenty thousand are in the one to five acre group, and there are relatively few parcels larger than eighty acres. The holdings may be larger; these figures represent only the portion of that holding in forest.

¹ Tax rolls, the source of this information classify forest land as uncultivated, for tax rate setting purposes. This has a practical dimension. Uncultivated land in Mississippi, if protected from bush hogging and fire, quickly reverts to forest, with or without the aid of man!

These tracts cover a combined area of 1,712,000 acres, and assuming an average stocking of even 50 tons per acre (less than two truckloads per acre) represent volumes in excess of two years annual cut for the state.

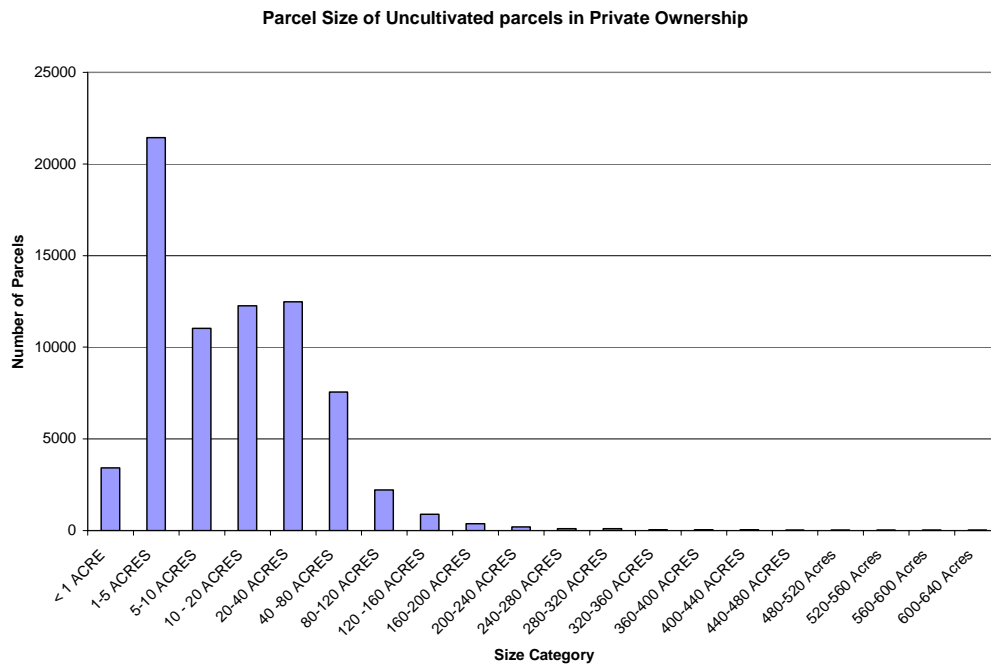


Figure 2. Number of parcels of uncultivated land in private ownership by parcel size category for the affected counties.

About 25,000 of these parcels are less than five acres in size, and account for only 3.3% of the total uncultivated land area. These tracts are really too small for commercial logging, but of major interest and concern to their owners. Many of these may fall between storm cleanup and timber salvage. Tracts of this size can be worked by smaller, manual or partially mechanized contractors, if those contractors are experienced and properly insured (and bonded if the job requires work around people and buildings). Labor and insurance costs will be a considerable part of getting the work done.

Forty-one percent is in parcels of less than 40 acres. Tracts between five and 40 acres are large enough to allow operation by conventional mechanized operations. Smaller tracts in a community may have to be aggregated to minimize move time between jobs. Salvage may be complicated by access; many of these tracts are located on county and state roads that likely suffered hurricane damage. The maximum weight a log truck, engaged in storm salvage, can carry on state and a federal roads has been increased to 95,000 pounds. Weight limits on county roads may be less. The counties have a historic legal right to set weight limits they consider safe on roads and bridges for which they are responsible. No one wants to further endanger people or property, public and private, in the recovery but a contractor faced with reducing the volume per truck load by up to one half will favor those tracts where he is permitted to move a full load.

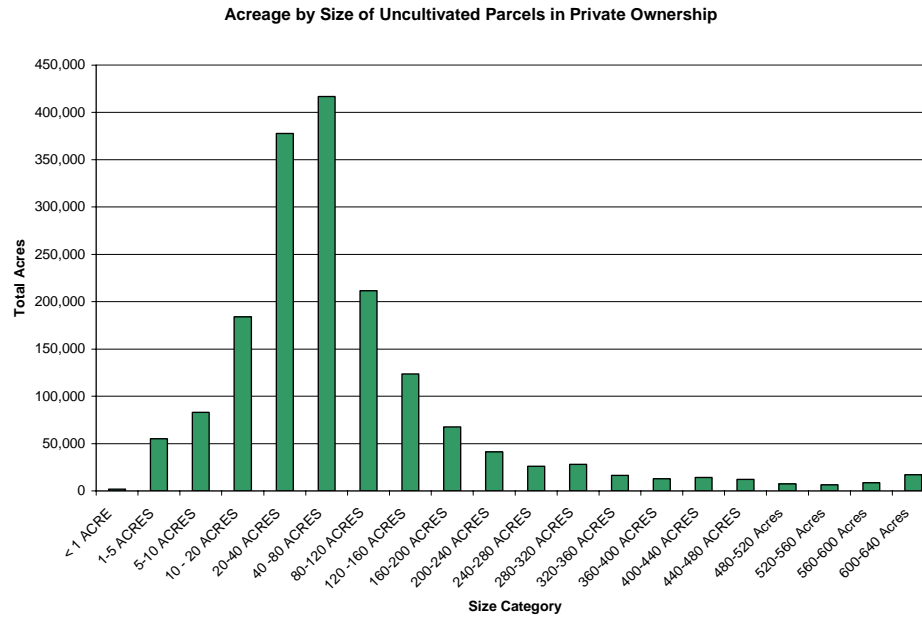


Figure 3. Total acreage by size of uncultivated parcels in private ownership

The magnitude of the salvage operation and subsequent reforestation effort that will be required to recover from Katrina is daunting. The number of private landowners involved complicates the situation.

Salvage Considerations

Hurricane salvage does not reduce liabilities for the seller, the purchaser, or the contractors handling storm damaged timber. They must follow the same procedures used under normal conditions to assure the business arrangement is properly conceived and conducted.

The ownership must be checked for liens against the property, an indication that someone else, such as a bank or lending company has a claim on the property. This lien must be satisfied, or the claimant has to agree that the sale or contract can go forward, before anything is done.

The ownership may be complex, many titles have extensions of “et ux” (and wife), “et vir” (and husband), “et al” (and others) that indicate these parties must also agree to the sale or contract. Other properties may be held by “tenants in common” such as heirs that decided to keep inherited property whole rather than divide it. Other properties may be administered by trustees, executors of estates, or under rental or lease contracts.

In these cases all with a claim or interest in the property must agree to the sale or contract before something can be done.

In normal times, this may take days or weeks to accomplish. In times like these, when records have been lost or destroyed, communications disrupted, people dislocated or worse, it will take longer.

Completing the other business tasks of the salvage process will also take more time. Salvaging timber from a five acre parcel has the same commercial requirements as for a 100 acre tract:

An interested purchaser must be found,
A contract must be negotiated and signed,
Boundaries marked or identified,
A logger contacted and placed under contract,
The method of payment agreed upon,
And a process put in place to assure the process is completed smoothly.

The concern of all involved is that the salvage does not create more problems for the seller, the purchaser, and the contractors involved, now or later, than absolutely necessary.

We, the landowners, the loggers, the consuming mills, and the forestry profession are all in this together. How well we join forces to get the job done, done right, and not inflict unnecessary harm on the other participants will determine the future of Mississippi's forests and forestry.