

the great tree rip-off

by Eloise Ross

They usually operate at night, shielded by darkness as they crunch, cut and chop their way to their valued prize — the black walnut.

They are the new breed of professional criminal, tree rustlers, now illegally harvesting over \$2 million in black walnuts annually in Illinois and Indiana alone. And they seem nearly impossible to catch.

Item: A Pope County, Illinois farmer discovered walnut stumps left behind in place of his trees, which were appraised at \$1,300 per 1,000 board feet.

Item: Thieves hauled away 20 walnuts from the Cook County Forest Preserve near Chicago without detection.

Item: An Indiana farmer, wakened in the darkness of early morning by his watchdog, found a truckload of his trees, chopped and ready for hauling as the night's work of rustlers. The trees, worth \$10,000, were cut a few nights before but thieves couldn't haul them due to thickening mud around their truck tires.

Item: Parkgoers watched in rapt admiration as a highly skilled team felled a majestic specimen and blithely drove it away, believing the team to be park employees.



This stump remains as evidence that a prime walnut was prized by tree rustlers.

But why not? Rustlers are not joyriding amateurs. According to John Sester, staff forester, Illinois Division of Forestry, these are professional timbermen, self employed loggers, since most logging companies don't have producing crews. They're better than acquainted with the work; it's their livelihood.

"You're talking about the biggest thing that grows on the earth," Sester explains. "You have to know a little bit about what you're doing." Some experts believe the thieves are trying to inject profits into their own slumping businesses.

The profit motive is certainly

there. A top quality walnut trunk, measuring about 18 inches in diameter with few, if any, notches or marks, commands up to \$1,900 per 1,000 board feet. A trunk may be worth \$4,000. Although there is "no pipeline for stolen logs," Sester says almost any veneer mill will buy logs. Reports of stolen logs shipped into Indiana from Missouri, Ohio or Kentucky aren't unusual and many logs travel to European mills for an



Too late for the tree but soon enough for thieves, neighborhood vigilance helped Illinois authorities catch and arrest illegal operators before they hauled away this log.

An Illinois forestry official records information about this near-perfect walnut theft. The state keeps thorough accounts of rustling incidents.

eager market in Germany, Japan, France and Italy.

Black walnuts grow from the U.S. to the Persian Gulf but species in Indiana, Illinois and part of Ohio are unsurpassed in their deep, brown color and ability to take a lustrous polish.

Farms, which contain 93 percent of all black walnuts, make perfect isolated targets. Location or natural hazards pose no hardship for the craftiest of rustlers. They cut through fences and drive miles along country roads or through woods to claim a tree. Some have even been

known to take down trees in daylight or in front yards.

It's all very calculated and even the trees help. Walnuts lend themselves as easy marks through their rough bark, long, tapered leaves, nuts, and their characteristics of being the last tree to leaf out in spring and first to adopt a yellow tinge in fall. They are then vivid landmarks from an airplane.

Rustlers may circle a farm or preserve by air, pinpoint trees and launch their attack at night, safe in the shelter and sound absorbing qualities of leaves.

To assure anonymity, rustlers often swath their chain saws in old rugs or silence them with styrofoam. They may use cross cuts on trees and drive boom trucks that leave no tracks. Early summer is best, since there is less insect damage to the trees, winter mineral or sap stains are less noticeable, and heat doesn't tend to form pitch pocket stains as frequently.

Trees are carefully felled to avoid damaging the valuable trunks and are usually loaded on another night to prevent detection. Thieves often hide stumps with brush as well. Farmers, especially absentee landowners, often don't discover thefts for weeks to months.

But rustlers can also take bold guises, openly confronting tree owners for permission to buy timber, Sester notes. They may present themselves as forestry representatives willing to cart away "diseased" trees for the owner or promise the farmer a third of the profits

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from lumber rights they purchase for a small fee. The buyer then may pay back a third of his profits, but it's only profits from the sale to one mill. A second, third or fourth sale is funneled into his own coffers.

Tree rustling also discourages growth of new trees since the loss of unrecovered stolen logs in "fair market value" is not tax deductible. Only the cost basis of the timber is legally deducted.

The price for walnut trees has increased 730 percent in 20 years, according to the Indiana Tree Farm Committee, Indiana Division of Forestry, Purdue University Department of Forestry and Natural Resources.

As timber is depleted, prices leap, making rustling more profitable, even though walnuts are now less accessible and of lesser quality than before. Their principal use is for veneer wood but the nutmeats and nutshells find varied uses. Shells are the only products which clean jet engines without harm and work well as polish for automobile gears and as a seal against cracks in oil drilling.

When asked why all owners don't sell their walnuts to such a booming market, Sester said some don't know the value of their trees, may not wish to sell their crop or want to wait for a more lucrative sale. But the unwary landowner may find himself forced to drastic action. One farmer, exasperated by two rustling incidents, chopped and sold his remaining trees to stop the piracy.

Yet all isn't lost. Both Indiana and Illinois have laws regarding purchase of trees. Illinois', first adopted in 1967 and revised in 1969, requires buyers to be licensed by the Department of Conservation and registered with a certified card to be

displayed prominently in their place of business. The bill also requires buyers to post bonds of \$500 or up to \$10,000, depending upon their revenues from their latest year of tree buying. One license may cover up to 10 people.

Indiana's law also provides for a mandatory registration certificate for buyers and demands a surety bond, with the same \$10,000 bond ceiling as Illinois. Registration is good for a year.

Illinois also has a transportation act as another deterrent which requires anyone hauling two or more logs to prove ownership. Failure to do so may make the hauler disposition subject for court order. Owners hauling their own timber must register with the Department of Conservation stating their name, business name, if different, legal description of their real estate for growing trees or forest products, and their trees or products.

Registered owners receive a sign, decal or logo for identifying their trees. The law doesn't apply to removal of trees or parts of trees by the federal government, State of Illinois or local governments.

Transportation violations may result in \$300 in fines or six months in prison or both. Registration violations are subject to fines or prison sentences. Indiana allows for convicted thieves to pay triple stumpage damages based on tree value to owners. Clandestine tree stealing in both states is punishable with fines or sentencing, depending upon the judge. Convicted rustlers in Illinois were fined \$2,500 each.

John Datena, state forester in Indiana, said his state has no transportation laws because industry feels such laws are discriminatory and should be directed toward all

road transportation, not just logging.

Both states publish lists of certified buyers periodically and offer listings of owners who sell timber. Registration laws serve both buyers and sellers since they are dealing with licensed, legal businesses.

Other states, such as Kansas and Iowa, have considered similar laws. Missouri treats transportation violations as a felony. Their law stops "grandmawing," the practice of rustlers claiming logs "came from grandma's."

Sester reports the Illinois laws may need some adjustments but have worked very well. The licensing act has netted some 130 arrests in seven years and 50 more arrests have been made since the transportation act took effect.

However, some enforcement problems exist. "We may need a little tighter control," he says. "Any law officer can stop a rustler. State police make stops but we really don't have local law enforcement agents enforcing it."

Illinois last received a report of black walnut thievery in 1975 but Indiana had a report filed in mid-September. Reports are usually filed immediately but often cover thefts of months to years before. Datena says only one in 12 thefts may be reported since many owners are unaware of crimes. "They see no reason for anyone to take the chance to go in their woods after one or two trees," he explains. "We're just seeing the tip of the iceberg." Sester estimates Illinois reports run about one in seven thefts.

The real need is for landowners to protect themselves. Both Indiana and Illinois are educating farmers for growing as a crop and to judge a tree's value for growth or sale. Indiana will soon release a publication

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for interested landowners about tree appraisal and protection.

Tree owners should begin protection by maintaining a record of their trees by locale, diameter at 4.5 feet above ground, height to the first large branch, and species. Distinguishing traits should also be noted. The best record is a photo of the tree's sides measured against a graduated pole for scale.

Marking trees is another good practice. If appearance isn't vital, a tree should be painted with a stripe down one side. Paints that won't wash off are best and the marking should cover all cracks and crevices. Phosphorescent paints are also good and each tree should be marked with a unique symbol applied with an artist's brush. Recording the mark is important. Sester warns against scratching a tree's bark since it could damage the trunk and thieves could easily scratch it to resemble a different mark.

"But the best protection is vigilance," Sester believes, pointing to the wisdom of telling neighbors about trips and arranging patrols by police or friends. Such action helps authorities catch thieves before the load their stolen trees. Landowners are advised to walk their property every few weeks to look for any tree tampering.

Neighbors should know location of trees and of dates of any timber sales (sales are often arranged 12 to 18 months before felling). Any information about suspects should be recorded by date, time and location and information about suspects and their vehicles should be reported to the landowners and police quickly. Indiana uses a timber theft alert to bring state foresters into action to warn some 200 veneer buyers about stolen logs.

If an owner decides to sell, Sester recommends he demand that the buyer prove his certification and state licensing. "Any good buyer will be perfectly willing to identify himself," Sester notes. "He'll be willing to pay you first before you agree to a job. Most timbermen are honest. They're hardworking but you have a certain element that are downright crooked. Most of the complaints we get about timbermen are misunderstandings."

He also considers competitive bids protection. Owners may want a forester to appraise their trees but it's not necessary.

"If trees are top quality, sealed bids are a good idea."

By not using tree laws and knowing the trees' value, a landowner can fall victim to any buyer who slaps down a low fee and hauls timber far beyond that price. Everyone wants a bargain but an owner best guard against it at his expense. "The owner should realize he's dealing with the most valuable hardwood tree we produce in the U.S.," Datena stresses. "It's just a matter of driving into the woods."

Although black walnut receives the most attention from thieves, white oak veneer markets have increased 200 percent since 1956 and red oak, soft maple and ash are popular targets in some places.

But the black walnut is not yet destined for extinction. Indiana grows and sells 500,000 walnuts saplings for orchards each year at two state nurseries and Illinois' two nurseries produce trees under controlled, optimum conditions, along with seed supplied by veneer companies. In 40 years, the states may find new, hearty, 18-inch trees, repopulating the countryside with nuts, shade and wood — the perfect size for rustlers. □

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