

**Forest Service Handbook  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Handbook 2409.12b – Timber and Forest Products Trespass/Theft Procedures  
Handbook  
Zero Code**

**Amendment:** 2409.12b-2012-1

**Effective date:** August 16, 2012

**Duration:** This amendment is effective until superseded or removed.

**Approved by:** James M. Pena, Associate Deputy Chief, NFS

**Date approved:** August 10, 2012

**Responsible Staff:**

**Last Change:** None

**Superseded Document(s):**

**Digest:** Following is an explanation of the changes throughout the directive by section.

**2409.12b:** Establishes new handbook “FSH 2409.12b, Timber and Forest Products Trespass/Theft Procedures Handbook.”

**Zero Code:** Establishes handbook and sets forth direction on procedures for preventing and investigating trespass and theft of forest products. In addition to consolidating information scattered throughout several different manuals and handbooks, it clarifies existing direction and provides new direction for the prevention of or the investigation of trespass and/or theft of forest products.

**10:** Establishes chapter 10 and sets forth direction on procedures to address the prevention, discovery, legal concerns, and reporting for timber and forest products trespass and theft.

**20:** Establishes chapter 20 and sets forth direction on procedures to conduct timber measurements for timber and forest products trespass and theft.

**30:** Establishes chapter 30 and sets forth direction on procedures for valuation and appraisal method(s) for timber and forest products trespass and theft.

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**40:** Establishes chapter 40 to set forth procedures for the sale and disposal of seized material from timber and forest products trespass and theft.

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## **01 - Authority**

The regulations at 36 CFR 261.6 set forth the prohibitions pertaining to cutting, damaging or removing timber, trees or other forest products except as authorized by a permit, contract, Federal law or regulation.

The regulations at 36 CFR 223.3 set forth the authorities for the sale of seized material.

The delegations of authority for the sale of forest products that the Forest Service has seized are set forth in FSM 2404.28.

## **02 - Objectives**

1. Provide guidelines and procedures for preventing trespass and theft of forest products.
2. Provide guidelines and procedures to follow when trespass and/or theft of forest products is identified.
3. Provide guidelines and procedures for establishing the value of forest products damaged or removed during a trespass or theft.
4. Sell seized material to recover values due to the Government.

## **03 - Policy**

1. Each region must develop and maintain a Forest Products Theft Prevention Plan.
2. Promptly investigate all instances where cutting, damaging or removing timber, trees or other forest products not authorized by a permit, contract, Federal law, or regulation are discovered.

## **04 - Responsibility**

### **04.1 - Deputy Chief for National Forest System**

It is the responsibility of the Deputy Chief for National Forest System to approve a national color scheme for tree marking paint as outlined in FSM 2441.04a.

### **04.2 - Washington Office, Director of Forest Management**

The responsibility of the Washington Office, Director of Forest Management is to:

1. Designate a representative from the Washington Office Forest Management staff to serve as a member of the National Paint Committee.

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2. Include Forest Product Theft Prevention as a component of forest management regional and forest activity reviews.
3. Coordinate with Law Enforcement and Investigations periodic review and revisions of this handbook as needed.

#### **04.3 - Regional Forester**

The responsibility of each Regional Forester is to:

1. Develop and maintain a regional Forest Products Theft Prevention Plan.
2. Include Forest Product Theft Prevention as a component of forest management or zone activity reviews.
3. Schedule unannounced timber and log accountability audits on each National Forest at least every 3 years as described in FSH 2409.15, section 28.2.

#### **04.4 - Forest Supervisor**

The responsibility of each Forest Supervisor is to:

1. Develop and maintain a forest-wide Forest Products Theft Prevention Plan or a supplement to the regional plan, when directed by the regional Forest Products Theft Prevention Plan.
2. Ensure that the volume of forest products removed or damaged through trespass or theft are determined in accordance with the policies and procedures in FSM 2440, FSH 2409.12, chapter 80, and chapter 20 of this handbook.
3. Schedule unannounced timber and log accountability audit at least every 2 years as described in FSH 2409.15, section 28.2.
4. Maintain coordination with and provide technical support to Law Enforcement and Investigations during investigations and prosecutions of forest products theft cases.