

A Practical Checklist for Private Forest Landowners

The following questions are a starting point for evaluating whether your legal structure is keeping pace with your land, your family, and your goals.

Ownership and Succession

- Do your ownership documents clearly identify who has the authority to make management decisions?
- Do your documents address what happens if an owner wants to sell, transfer, or exit?
- Have you addressed how disputes among co-owners or family members will be resolved?
- Does your succession plan account for owners who may have different goals for the land?
- Have your governing documents been reviewed in the last five years?

Property Rights

- Do you have recorded, enforceable access rights to all parcels you own or operate?
- Have you reviewed your easements, road agreements, and boundary lines recently?
- Are your hunting leases, recreational access arrangements, and outfitter agreements in writing?
- Do you know whether any encroachments, informal uses, or historic arrangements could affect your title?

Contracts and Market Opportunities

- Do you understand the long-term obligations in your timber, carbon, conservation, or supply agreements?
- Do your contracts address what happens if market conditions change, if you want to sell, or if you die?
- Have you reviewed whether your agreements bind your heirs or successors?
- Are your payment terms objectively verifiable and your performance obligations realistic?

Regulatory and Policy Risk

- Do you know which federal and state regulations apply to your harvesting, road, and water management activities?
- Have you evaluated how recent or pending regulatory changes affect your operations or conservation plans?
- Are you aware of the incentive programs, cost-share opportunities, or conservation programs available to you?

Dispute Prevention

- Have you identified the pressure points in your ownership structure that could become disputes?
- Are there informal arrangements — access, management, revenue sharing — that should be documented?
- Do you have a process for resolving disagreements among owners before they escalate?

If any of these questions reveal gaps, the time to address them is now — before a transition, a transaction, or a dispute makes the answers more expensive.

MEET THE AUTHOR

Have questions? We are happy to help.



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Lindsey Morgan is an attorney in Fennemore's Business Litigation practice group, based on Coeur d'Alene, Idaho. She represents clients in complex business, real estate, and commercial disputes involving significant financial and operational risk, with a focus on forest industry and landowner matters. Her work spans the full arc of a dispute — from identifying pressure points before conflict arises to protecting property and contract rights when it does. When she is not untangling ownership disputes and litigating complex business issues, Lindsey likes to be out in the woods. She can be reached at lmorgan@fennemorelaw.com.

DISCLAIMER: The above checklist does not constitute legal advice, and is based upon information known at the time this article was written. You should consult with legal counsel about your particular situations, and decisions should be made based on a case-by-case basis.

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