



# FORESTRY Leaflets

July 2012

FM-5

## Tree Planting Contract Considerations

While the costs of paying for tree planting and tree seedlings may at first seem high, studies have shown that investing in the planting of genetically-improved tree seedlings will reap benefits with enhanced tree growth and vigor. Consulting foresters can estimate tree planting costs and may be able to arrange for the work to be done. As in any case when you hire someone to conduct work on your forestland, it is recommended to have a written contract. The contract should be prepared or have been approved by an attorney. Doing so will protect you and the contractor. Consider these provisions for a tree planting contract:

### **Start Date and Termination Date of Agreement.**

Include provisions for time extensions, if desired. You may also wish to specify the time-frame within which tree planting work shall be completed and if the landowner wishes for the contractor to notify the N.C. Forest Service prior to starting the tree planting work.

### **Names and Addresses of Landowner(s) and Contractor(s).**

Include anyone who has your expressed authority to speak on your behalf, if you are not available.

### **Assignment of Contract.**

Establish whether or not the landowner or contractor has the right to assign the contract to another and if so, specify the terms.

### **Arbitration of Disputes.**

Generally, the landowner and the contractor each identifies one person to arbitrate on their behalf, and these two designated individuals then agree upon a third-party to settle the dispute.

### **Tract Location.**

Describe the area to be planted, including estimated acres and boundary identification of the planting area and property tract. A map should also be provided that shows the area to be planted, and include important features such as streams, roads or fields.

### **Right and Location of Ingress and Egress.**

Landowner should guarantee the contractor the right to ingress (enter) and egress (exit) the property for the purposes of tree planting. There should also be an understanding of where this access will be provided on the property and who is responsible for improvements or repairs. Also state if prior notice to the landowner is needed before starting and finishing work.

### **Tree Planting Method.**

Explain the method of tree planting. Specify if the planting will be done by hand or machine. If planting by hand, specify acceptable types of tools to be used such as dibble bars, KBC bars, hoedads or shovels.

### **Tree Species and Spacing Layout.**

Specify the exact species of tree(s) to be planted. Describe the minimum and maximum acceptable spacing between trees. Tree spacing is described as a square-grid, measured in feet. For example, a spacing of "8 by 10" means 8 feet between each tree within the row, and the rows are 10 feet apart.

### **Tree Seedling Source and Genetic Quality.**

Match the correct level of genetic seedling quality with your timber-growth goals. Describe who is responsible for purchasing, transporting and storing the seedlings. Specify ownership of any leftover seedlings that remain after planting is completed. The specific identification of the seedling nursery source and genetic quality of the seedlings should be provided.

- **NOTE:** If planting Loblolly Pine seedlings from the N.C. Forest Service state nursery, the landowner should be provided with the "PRS" rating of the seedlings prior to planting. Contact your County Forest Ranger to learn more about PRS rating and understand how you can receive the best quality tree seedling genetic stock.

**Contract Price, Method of Payment and Payment Terms.**

State the agreed-upon price(s) for services. Explain how payment will be made, usually on a per-acre basis. State when payments are to be made to the contractor, and define any penalties for late payments.

**Cost-Share or Performance Requirements.**

If the landowner is receiving cost-share payment assistance for the tree planting, there will be several stipulations and requirements from the program that funds the cost-share. Specify these requirements for the contractor and the expectations for performance of the tree planting. A final determination of planted acres may have to be done by the N.C. Forest Service. Landowners are strongly encouraged to follow the specifications described by the N.C. Forest Service in its most recent edition of the *Pocket Guide to Seedling Care & Planting Standards*. **NOTE: If cost-share payment assistance is received, then the specifications defined in the *Pocket Guide* must be followed.**

**Insect, Disease, and Animal Control Treatments**

Specify if any chemical treatments are to be applied to the seedlings prior to planting. These treatments often can resist fungus, wildlife damage, insects or diseases. Describe if additional payment is needed for the treatment.

**Tree Planting Conditions and Trash Disposal.**

Designate any specific areas that are prohibited from access during tree planting. Designate acceptable hours of operation, and if prior contact is needed to access the property. Determine when tree planting will cease as a result of poor weather or inoperable site and soil conditions, and define what those thresholds are. Specify how to dispose of empty seedling bags, boxes, binding straps, unacceptable (“cull”) tree seedlings and other trash.

**Seedling Survival**

If the landowner is receiving cost-share payment assistance for the tree planting, then the contractor may be held responsible for re-planting areas of poor seedling survival, at their own expense, which resulted from improper handling or planting. However, the contractor cannot be held liable for unsatisfactory seedling survival that results from adverse weather conditions after planting is completed, or from other factors beyond the contractor’s control.

**Care of Other Property.**

Describe how to reconcile damage of property outside of the tree planting area. Explain what the expectations are for the use, improvement, maintenance and repair of roads, bridges, culverts, gates, fences, ditches, buildings, utility lines or other infrastructure on the property.

**Measures to Protect Water Quality.**

When conducting machine planting work, identify streams, wetlands or other bodies of water in the harvest area and how those water areas are recognized on the ground. Cite requirements to comply with all applicable state and federal water quality regulations, including the establishment of Streamside Management Zones (SMZ’s) if needed, and compliance with the other standards defined by the N.C. Forest Practices Guidelines Related to Water Quality (FPG’s), and compliance with other applicable water quality rules or laws. Designate if stream or ditch crossings will be needed to plant the tract, including the location and number of crossings. Specify who is responsible for erosion control stabilization and rehabilitation during site prep work and at what point the contractor is free and clear from further stabilization responsibilities. **NOTE: If the landowner is receiving cost-share payment assistance for tree planting, then the tree planting work must have forestry Best Management Practices (BMP’s) implemented that apply to the type work being done.**

**Fire Protection.**

Buyer should be required to comply with all fire laws and immediately suppress any fire that is a result from the site prep activity. Specify liability of damaging property, trees and crops that may result from the fire.

**Financial Responsibility of the Contractor.**

The contractor should be compelled to carry liability insurance, workers compensation insurance, and property/casualty insurance. The landowner may wish to require that the contractor produce proof of valid insurance coverage prior to allowing tree planting to occur.

**Signatures and Notarizations.**

Includes landowner and contractor. If land is co-owned, then all landowner parties may be required to sign the contract.



*The North Carolina Forest Service is an equal opportunity / affirmative action employer. Its programs, activities and employment practices are available to all people regardless of race, color, religion, sex, age, national origin, handicap or political affiliation. This is a 'print-as-needed' document available at N.C. Forest Service offices and at [www.ncforestservation.gov](http://www.ncforestservation.gov).*