

THE VOICE OF THE TIMBER INDUSTRY

TIMBER BULLETIN

DULUTH, MINNESOTA

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Duane Hill &
Sons Logging
Legal Briefs

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ON THE COVER

On the job with Duane Hill and Sons Logging.

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With the winter logging season starting out with a lot of cold weather it is encouraging to see our roads and landings freezing up much better than in the past several years. This time of year there is a lot of work to be done with the mills' inventories quite low. I hope an early freeze-up can mean a safer logging season with ample time to get the wood out.

President's Column



This year the fall board of directors meeting was moved up five or six weeks and seemed to be more favorable because of a less busy time of

year. Issues at that meeting of high importance were timber availability and transportation concerns. Because of the budget shortfall in Minnesota, the DNR is having a hard time coming up with enough money to put up its planned timber sale volume. I find it hard to believe they would cut a program that makes the state a good profit each year. When funds are low they should be selling more timber in my way of thinking. This also holds true for the counties.

Jim Sanders, the supervisor of the Superior National Forest, gave a report of activities on the national forest. We are all hoping for improvement on the two national forests. I do believe we will see some changes for the better in time to come.

Let's all work towards a profitable and safe winter.

Two More of Minnesota's "Best" Germaine and Jeanne Davison

by Kathleen Preece

It's difficult to pick out the driveway to one particular tree farm in Minnesota, and state that "this leads to the best tree farm in the state." There are so many driveways, and so many incredibly wonderful tree farms.

And, you know, there are a lot of not so incredibly wonderful tree farms. But the commitment to, and interest in by their respective title holders IS exemplary. And we honor all of you.

As is tradition, each year one tree farmer is singled out as Minnesota's Tree Farmer of the Year. This tree farm exemplifies good land stewardship and commitment to sustainable forestry. But more importantly, this tree farmer serves as representative to all of you who do just that - good land stewardship and commitment to sustainable forestry.

In 2002, we tout Germaine and Jeanne Davison of Hokah, Minn., located in Minnesota's southeastern Bluff Country. The Davisons also own land in Wisconsin.

Germaine purchased this farm in 1969. The tree farm was certified in 1980. Germaine and Jeanne have actively managed the woods since that time. Management plans have been prepared and followed; the most recent plan was updated in the early 1990s. Over the years Germaine has followed the management advice of his service forester and has been willing to try new practices for improved woodland stewardship. A few of

the practices the Davisons have undertaken include:

- Regeneration: 1970-one acre; 1979-two acres; 1980-five acres 1987-three acres.
- 1988-an alternate row planting of white pine and red oak was tried on 10 acres. Oaks did poorly; the pines have been very successful. Oaks were coppiced in 2000 to try to improve the form of the trees because of destruction from deer predation in prior years.
- Direct hardwood seeding during the fall of 2000 on four acres. One of the first to take place in southern Minnesota.
- 2002: three acres tree planting on a Conservation Reserve Program field.
- Timber Stand Improvement (TSI): 1980-28 acres.
- 1992: site preparation for natural regeneration.
- 1992: 5,800 feet of woods road improvement; waterbars installed and roads reseeded.
- 1998: 28 acres TSI thinning and weed tree removal.
- 1999-23 acres TSI and pruning of 13-year-old black walnut planting.
- Harvest activity: 1992-17 acres harvest of sawlogs and veneer.
- 1997: 30 acres sawlogs and veneer.

The Davisons are active in their community. Besides farming, Germaine worked as an extension educator for many years. They have gone to the effort and expense to attend six National Tree Farm conventions throughout the nation and comment: "The national conventions are very useful learning tools; besides, it is just fun too be around like-minded tree farmers."

Mark your calendars for the 2003
North Star Expo
August 1 & 2
St. Louis County Fairgrounds
Proctor, Minnesota

As I write this column we're in the midst of some welcome cold weather. Everyone is moving on to winter jobs and it looks like we may be off to a more normal start this logging season. I always worry when we have a winter like last year. No real cold weather until mid-February and then everyone had to go like heck to finish their contracts. This puts tremendous pressure on woods crews, truckers and equipment. It's easy in difficult conditions to lose track of safety. We were all proud that even with last winter's conditions, we had a strong safety record and few accidents in the

woods. With a normal start this year, take a few minutes to build safety meetings

Executive Vice President's Column



into your "normal" schedule.



The election season has come and gone and now

it falls to the winners to govern. As I write this column, we don't know who Governor-elect Pawlenty will appoint as commissioners of DNR, DOT or PCA. When these key appointments come, we'll have a better idea of what we will face in the next four years from this new administration.

In the state Legislature, we'll have all new committee chairs for the environment and natural resources committees. Senator John Marty will replace Senator Jane Krentz, who was defeated, as chair of the Environment and Natural Resources Committee. Senator Krentz was a moderate who always seemed to support the right things. Senator Marty has not been a moderate. In fact, he is one of the senators who is furthest to the left. I think he will keep us very busy. The Senate Environment, Natural Resources and Agriculture Finance Committee will be chaired by Senator Dallas Sams. Senator Sams is from Staples and is very moderate on issues.

In the House of Representatives,

Representative Tom Hackbarth replaces Representative Dennis Ozment as chair of the Environment and Natural Resources Committee. Representative Hackbarth has been a good supporter of our issues and we look forward to working with him as chair. Representative Ozment moves over from the policy committee to chair the House Environment, Natural Resources and Agriculture Finance Committee. He is the second most senior republican in the House and replaces Representative Mark Holsten, who will now chair the Regulated Industries Committee.

All in all, it's a new lineup that will face the state's massive projected deficit. Depending on how you count, the current and projected deficit for the next 2-1/2 years is either \$5 billion or \$6 billion if you include inflation. This will make the 2003 session one of the most difficult in recent years.



Are you aware of AWAIR? If you're not, OSHA might want to talk to you. AWAIR stands for A Workplace Accident and Injury Reduction program. Last year OSHA issued 245 citations for deficiencies in this area. Several years ago TPA, in cooperation with LUA and our Safety Committee, developed a model AWAIR program for TPA members. If you're not up to date on this, please contact the TPA office. We're a lot more fun to talk to than OSHA is.



I want to wish all of you the best for this holiday season. Take the time to be with family and friends and to be safe.

Forest Welcomes New Deputy Forest Supervisor

The Superior National Forest welcomes Paul L. Momper as the new deputy forest supervisor. Momper comes to the Superior National Forest from the Region 2 headquarters in Denver, Colo., where he was the group leader for the administration of the National Environmental Policy Act (NEPA), appeals, and litigation. Momper received promotions to acting director of planning and the acting director of engineering while working in Region 2. Also while stationed in Denver, Momper took a 1-1/2 year assignment with the Environmental Protection Agency serving as a liaison to the Forest Service and EPA and participated in EPA's review activities related to NEPA oversight.

Momper began his Forest Service career in Region 3, the southwestern states of Arizona and New Mexico. Momper served on two hotshot crews, helitack and fire prevention. He has remained active in fire management throughout his career. Momper also worked in the areas of recreation, lands, minerals, and human resources while in Region 3.

Momper left Region 3 for a position as a fire and aviation management training specialist for the Washington office, stationed in Marana, Ariz. From there he accepted the Middle Park District ranger position in Kremmling, Colo. on the Routt National Forest.

Momper has a bachelor of science degree in forest management from Oklahoma State University. Momper and his wife, Joyce, have two sons who are attending college in Colorado.

"My wife and I feel very fortunate to receive an assignment to Minnesota," said Momper. "It will be exciting to work with the public, and Superior National Forest employees, on the many land management opportunities on the forest."

Duane Hill and Sons Logging, Modesty in Operation

by Rachel Benishek

Duane Hill, his wife, Donna, and their sons, Mike and John, don't think there is much to talk about when it comes to discussing their operation and the work they do. Hopefully, this article will help change their minds, if not their modesty about their operation.

Duane Hill and Sons Logging may not be the biggest outfit around, but they do work very well together. Everyone does their part to make the operation run like a well-oiled machine, and sometimes Mike does Duane's job, or John does Mike's job or Duane's... Every well-run operation should use the good humor and camaraderie I witnessed on their landing.

They have had a lot of practice working together as a family in the woods. Duane started working part time with his father, Wayne, when he was still in high school. According to Duane, that "was around '62 or '63." At that time, his dad was in the woods whenever he was not working in the mines. Duane and his dad used chainsaws, an old farm tractor and a dray (shortwood) skidder to move wood. Duane kept at it, and started logging full time in 1973. He bought the operation's first shear in the late 1980s, which is about the same time his son, Mike, joined the operation.

Just like his dad, Mike started logging part time while he was still in high school. Mike said, "I think I was out here with dad before I was old enough to drive." Mike worked part time throughout high school and diesel mechanics school. He has been logging full time since he completed school. Mike figures he has been working with his dad for the last 13 or 14 years. John couldn't follow directly in his dad's and brother's footsteps and join them while he was in high school. New regulations prevented him from being employed in the

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Load 'em up and move 'em out!



John Hill and the John Deere 648D skidder.



Mike Hill and the John Deere 843 hot saw.

(continued from page 7)

logging business until he was 18 years old. The new regulations didn't keep him completely out of the woods though. To be a part of things, he operated his own cut and split firewood business starting at the age of 15. John has been working with his dad and brother since he graduated from high school seven years ago. He is usually the last to leave the woods at the end of the day. He makes sure there is wood on the landing for the morning, that the equipment is fueled and all is secure for the night. Last, but definitely not least, according to Duane, "Donna handles all of the running around and bookwork. She knows more about the equipment than I do." When I managed to catch her between classes at her job at Murphy Elementary School, she claimed that she just does the bookkeeping and orders and gets parts. Modesty runs in this family.

The Hills may not have much to say about their operation, but Jim Gabriel of UPM-Kymmene says, *"Duane Hill and Sons are a pleasure to work with. They are a well-organized team of dedicated professionals who have always approached a logging job with enthusiasm, determination, and a special sensitivity to the site conditions. What makes them work so well is their great respect for the forest, balanced with a keen sense of business savvy, and framed by an incredible modesty. They are truly outstanding performers in today's culture of logging."*

The day I caught up with Duane Hill and Sons Logging they were in the process of cleaning up the site to be able to move to winter sales. They intend to return to this site next fall to complete the harvest because it is good ground to work in the fall. They had everything but the hotsaw and delimeter working on site. What is everything? Well, Duane was up in the Lemco 185 Slasher/Loader filling his truck with a load of birch. Mike was running the John Deere 548E skidder because the John Deere 843 hotsaw he usually operates was parked at the landing, unnecessary during clean up operations. John was in the John Deere 648D skidder moving



John and the skidder in operation.

tree-length wood up to the slasher. They all took a break to tell me a little about the operation. I learned that they like to have about a week's worth of wood on the ground ahead of them during the winter. The hotsaw can technically handle wood 22 inches in diameter, although it can cut bigger wood with a little skillful maneuvering. Mike said the hotsaw cuts between 10 and 30 cords per hour depending on the site and wood quality - which obviously helps keep wood on the ground. John and the 648D skidder can handle about two cords of wood (depending on terrain) per trip to the slasher. They do have a Lemco delimeter they use primarily on spruce and balsam in the summer, and while they were

cutting some balsam on this site, it wasn't exactly summer-like conditions.

Normal operations see Duane Hill and Sons cutting on UPM Blandin fee lands, although this winter they will be harvesting mostly their own open market wood. The daily routine usually means Duane is in the slasher until his truck is full, then Mike loads his truck. John jumps in on equipment, other than the skidder, whenever necessary to keep things running smoothly. They keep a steady rhythm like that going all year round unless it gets too wet and they can't work. They cut primarily mixed stands of popple, birch and hardwood with whatever spruce and balsam is included on site. They haul wood to UPM



The skidder, slasher and truck on the landing, with nearly a full load.

Blandin, Potlatch Corporation and Sappi Cloquet, LLC so they can use and market whatever they cut. They work all over, from Grand Rapids to Meadowlands and Floodwood, from Splithand to Balsam and near Hibbing, where I found them, and wherever else they may be needed. They operate out of their shop near Calumet, where they do all the work on their equipment that they are capable of completing, although they do outsource work on things like hydraulic systems.

Looking to the future, Duane and his sons are considering Cut-to-Length harvest systems. They said that much of the decision to change harvest methods and equipment will be determined by what happens at UPM Blandin, and the timber industry markets in general, within the next few years.

On an interesting note, the day I visited there was a gentleman on site cutting firewood, which is probably not all that unusual. However, during my conversation with Duane, Mike and John they said I should go talk to Beanie because he cut this site the first



Beanie Holman cutting firewood.

time. Beanie Holman was the gentleman cutting firewood. He said, "I cut this site one of the first times, when I was 22 years old doing logging and roofing." According to his calculations, that was 42 years ago. They cut balsam, spruce and some popple "all by hand in those days," according to Beanie. He is retired from National

Steel Pellet Company and lives about 1/2 mile from this site on Harriet Lake. Now that he is retired, he cuts firewood. Beanie said he, "...got to know Duane a few years back and he is a good friend." That is high praise and a good way to finish a story about a modest logging operation in Minnesota.

The Classroom Outside

Report on Fall 2002 Forest Management Guidelines Training – Protecting Site Quality: Forest Management and Timber Harvesting

*A joint training effort from UMN
College of Natural Resources Center
for Continuing Education and
Minnesota Logger Education Program*

Sometimes the best learning is done outside of the classroom. This fall, more than 800 loggers and resource managers spent a day in the forest at one of 11 workshops held around the state. These workshops provided field demonstrations of key ways to protect soil and water at logging sites. These demonstrations were designed to support improved understanding of Minnesota's voluntary timber harvesting and forest management guidelines. Some highlights from the day:

- Overall there is a high level of compliance with the guidelines. Here are a few examples from the logging sites monitored in 2001:
 - All landings were located on

stable ground;

- Infrastructure, i.e. roads and landings, within a logging site averaged 3.2 percent as compared to 3 percent set in the guidelines; and
- Over 80 percent of the general harvest areas met recommendations for downed logs.
- Three areas of the guidelines had lower compliance, which led to this series of workshops:
 - Installation of enough water diversion structures;
 - Details of the approaches to and crossings of open water and wetlands; and
 - Limitation of soil compaction.
- Loggers and resource managers received and practiced using a new tool – the slope measurement gauge. Remember that all monitored sites were harvested and/or the stumpage sold before publication

of the guidelines book and introductory training workshops. This means the monitoring results are considered baseline information to compare with sites harvested after loggers and resource managers had taken guidelines training. Post-guideline monitoring results are likely to show higher levels of compliance.

As usual, loggers and resource managers provided good feedback, and asked good questions. During each of the 11 workshops, instructors gathered participants' verbal comments and questions, as well as comments on worksheets completed during the afternoon exercise. Here is a summary of those points:

1. There is a generally good level of understanding among loggers and resource managers about basic implementation of the guidelines.
2. Workshop participants would

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Group listening to Walt Haas, Minnesota Pollution Control Agency, at fuel and lubrication spill clean-up field stop.



Picture of participants using slope gauge.

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like opportunities to learn more about and be more involved in the process of monitoring.

3. The differences between landowners in listing contract specifications, the practice of bidding on sales without having seen the site or sale prospectus, and also the general absence of contracts when working with small private landowners, has led to

inconsistent implementation of the guidelines.

4. Loggers and resource managers observe that harvesting timber is only one of many activities that impact forests. They feel that other uses and impacts are not equally monitored. Other activities, such as agriculture and ATV riding on closed forest roads significantly impact water and soil quality too.
5. Everyone (the landowner, the

contract administrator, and the logger) would benefit from more communication with each other throughout the process. This means pre-sale, during harvest operations, and after the site is closed.

The Minnesota Forest Resources Council (MFRC) heard this information in a summary report at its November meeting. Council members were interested in participants' comments, and will further discuss them in the MFRC monitoring subcommittee.

If you would like to read the monitoring reports for yourself, they can be found on the council's website at www.frc.state.mn.us/monitor/comeffct.htm.

MLEP and the University of Minnesota continue to work to improve educational programs about the timber harvesting and forest management guidelines. For more information or to comment please call Louise Yount, UMN, at 218-879-0858; Chris DeRosier, MLEP, at 218-722-5442, or Jenna Fletcher, MFRC, at 612-603-0109.

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Log a Load

by Dana Spiekermeier, *The Enterprise*

Who would imagine that thinning out trees and providing health care for children have a connection? The Minnesota Department of Natural Resources (DNR) Forestry and Log a Load for Kids do.

Volunteers will harvest selected timber from the eight acres surrounding the DNR Forestry office in Park Rapids Sept. 16 and 17. The state will donate the stumpage to a Children's Miracle Network-affiliated hospital through the Log a Load for Kids program.

"For some time now we've been thinking of thinning the stand around the office," said Terry Novak, DNR program forester. "The Log a Load program is a great way to help people while we improve the stand."

Helping children

Log a Load for Kids is a nationwide giving campaign through which loggers and others in the forest industry contribute the value of a load of logs, or any amount, to local Children's Miracle Network-affiliated hospitals.

Thirty states have participated in Log a Load. Since 1997, the Minnesota Log a Load for Kids program has raised more than \$200,000.

The proceeds from the Log a Load in Park Rapids will benefit Gillette Children's Specialty Healthcare in St. Paul, specifically the North Clinics based in Duluth and the satellite clinics in 11 towns including Bemidji and Brainerd.

Gillette also offers mobile outreach clinics by taking specially equipped trucks throughout the state. Park Rapids and Detroit Lakes benefit from this outreach effort. In 2002, 115 children from Hubbard County visited a Gillette Clinic.

Preserving nature

The DNR decided to thin the stand surrounding the forestry office in Park Rapids because the trees are too close and some trees are diseased. "Our first concern is the health of the trees," Novak



explained. "It is in the stand's best interest to be thinned."

Novak estimates 100 cords will be harvested and donated. "It is valuable timber," he said, noting at least eight different species of trees in the stand. Because it is in town, many people don't realize how much timber is here, Novak noted.

Donating equipment and labor

Walsh Forest Products will be donating time and equipment to the effort. Dick Walsh has a history

with the program.

The Minnesota Timber Producers Association helped start a Log a Load for Kids program in Minnesota in 1997 when Walsh was president. This will be Walsh Forest Products' third fundraising harvest.

Robin Walsh, Dick's son, will run the harvester, a new Ponsse cut-to-length system made in Finland. Dick Walsh will operate the forwarder, which loads the timber onto the truck. Steve Walsh, Dick's son, will drive the truck that hauls

the wood to the mills.

Since the harvest is a small one, the father and sons team is doing the entire job. With the new equipment, Robin can cut 100 cords in a day, explained Jodi Walsh, Robin's wife.

"This one is unique," said Ed Patrias of the Minnesota Timber for Humanity Foundation. "The Walshes are doing the whole harvest and donating the trucking. That is rare." It is also the first Log a Load in Park Rapids.

The public is invited to view the logging action at the DNR forestry office. The equipment the Walshes use is very new and state-of-the-art, Novak said. "A lot of people still think of chainsaws and skidders. That doesn't happen much anymore."

Jodi Walsh said Robin will complete most of the cutting Monday. Loading and hauling will continue through Tuesday.

For more information about Log a Load for Kids visit www.logaloadforkids.org/ or call Donna Korhonen at 218-263-7420. For information about Gillette Children's Hospital call 651-229-1773.

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Legal Briefs

BLM Settles 14 Contract Claims for Compensation Arising from District Court Injunction in 1992

The Bureau of Land Management (BLM) recently settled the last of 14 claims that arose from the widespread suspension of timber contracts in 1992. As we reported in previous issues of Legal Briefs, the district court enjoined the sales at the urging of environmentalists based on the allegation that BLM failed for many years to update the myriad of environmental documentation required under the National Environmental Policy Act (NEPA). Because the contracts themselves did not provide an adequate remedy for the damages incurred by the purchasers, each purchaser filed a breach of contract claim against BLM because the agency's inadequate compliance with NEPA caused the court to issue the injunction. After the Interior Board of Contract Appeals ruled that BLM was liable for breach of contract in each of the 14 cases and issued a decision on damages in one case, the parties developed a formula for valuing and settling the other claims that fairly compensated the purchasers for their damages. The federal government ultimately paid out over \$12.5 million in compensation, including interest, to settle the 14 claims.

Stipulated Judgements for Compensation Issued in Favor of Region 8 Purchasers

In December 2000 three timber sale purchasers on the Chattahoochee and Oconee national forests in Georgia sought compensation for damages caused by the suspensions of their timber sale contracts. The Forest Service suspended the contracts after a lawsuit filed by environmental activists established that the Forest Service had failed to conduct proper pre-award environmental analyses of the sales pursuant to

NEPA. Although the contracting officers originally denied each claim in its entirety, the Forest Service and the purchasers negotiated further and ultimately agreed to stipulated judgments totaling nearly \$1 million as fair compensation for damages incurred, thus saving the purchasers and the Forest Service the substantial time and expense they would have incurred in additional litigation.

Timberland Owner Not Entitled to Compensation Under the Fifth Amendment for Delay in Logging

The Fish & Wildlife Service (FWS) notified a company that logging certain of its private lands would "take" spotted owls but that the company could file an application for an Incidental Take Permit in accordance with the provisions of the Endangered Species Act (ESA). After failing in its effort to get a declaratory judgment that its proposed logging operations would not take any spotted owls, the company then applied for an Incidental Take Permit. While the Incidental Take Permit application was pending, FWS reversed itself because new surveys revealed that no spotted owls remained in the area and informed the company that an Incidental Take Permit was no longer required. Thereafter, the company filed suit under the Fifth Amendment to the United States Constitution seeking just compensation for the temporary taking of its property during the time in which it was prevented from logging. The Court of Federal Claims rejected the company's claim.

The Court of Appeals for the Federal Circuit recently upheld this ruling. It concluded that under the ESA the company could have applied for an Incidental Take Permit when FWS first afforded it this option, which may have allowed it to log its land at that time. The court also reiterated the well-established rule that the mere imposition of a permitting

requirement does not give rise to a compensable taking without extraordinary delay in the permitting process. Generally, extraordinary delay will not be found without a showing of bad faith on the part of the government. Here, there was no finding of extraordinary delay or bad faith. Of course, a taking may occur where the government denies the landowner's application for a permit and as a result the company loses all economic value associated with the property.

Be Sure to Document the Record if You Believe that Government Action is Wrongful or is Costing You Money

A purchaser argued that the Forest Service prevented it from starting operations as early as it would have liked on a salvage sale and that the timber deteriorated as a result. The AGBCA rejected the argument, finding that the facts did not support the purchaser's position. In particular, the AGBCA noted the lack of any documentation supporting the purchaser's assertion and in so doing reiterated an important piece of advice – the purchaser needs to put the government on notice and document that it believes government action is wrongful or is costing it money.

Forest Service Found Liable for Blue Stain that Occurred after Award

In past decisions, the Agriculture Board of Contract Appeals (AGBCA) had interpreted clause B(T)8.12, the Forest Service's standard risk of loss clause, as placing the risk of loss on the Forest Service for a number of causes including spiking of the trees by environmental extremists and theft of timber decked on the sale area. The AGBCA recently applied this precedent in finding the Forest Service liable to the purchaser of a fire salvage sale for damages due to blue stain (fungus) in the wood that occurred after award even though both parties expected that the fire-damaged

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wood would become blue stained. The contract clearly placed the risk of loss on the Forest Service for all damage to the timber that occurred before title passed to the purchaser, something that does not occur under the Forest Service contract until the timber is cut, removed from the sale area, and paid for. The AGBCA reasoned that the clause did not distinguish between anticipated and unanticipated types of damage. Because the blue stain occurred while the Forest Service

held title, the Forest Service was liable for the loss in the value of the wood even though blue stain is not a scaling defect. The AGBCA rejected the Forest Service's argument that the real cause of the blue stain was the purchaser's failure to harvest the sale as early in the performance period as possible. The Forest Service's argument that the plain meaning of the words of the contract should be ignored because otherwise the Forest Service would be subject to substantial financial risk was also rejected by the AGBCA.

Because bidding for the sale took place about one year after the fire, the AGBCA required the purchaser to prove that the blue stain actually occurred after bidding rather than before. The AGBCA rejected the purchaser's testimony that the timber was essentially blue stain-free at the time of bidding because this testimony was inconsistent with scientific evidence regarding the likely amount of blue stain that could be expected one year after a fire. Based on this evidence, the AGBCA calculated the amount of recovery to which the purchaser was entitled by excluding the value of timber that was already blue stained at the time of bidding. In measuring the damages to which the purchaser was entitled, the AGBCA noted that the clause did not set out a procedure for calculating timber value loss and turned to basic contract principles for measuring and calculating the loss the purchaser had incurred. It found that the proper measure was the value of the timber before the loss as compared to the value of the timber after the loss and used the difference in the price that the purchaser's buyer paid for logs that were and were not blue stained to measure the loss.

Comment: This ruling could have broad significance to existing contracts because it supports Forest Service liability for other types of anticipated timber value loss such as deterioration due to insect infestation. However, the Forest Service responded quickly to this adverse ruling by issuing a new clause C(T)8.12 (9/02) which expressly provides that the Forest Service's risk of loss extends only to timber destroyed or damaged by

an unexpected event. In this new provision, the Forest Service states that deterioration of salvage timber is not an unexpected event. The new clause also specifies that damages under the clause are to be calculated by the contracting officer making a before-and-after appraisal and redetermining the contract rates, similar to the procedure the Forest Service follows in a catastrophic damage situation.

Which "Standard" Clauses are in Your Contract?

Just when you may have been getting used to the 7/01 version of the B(T) section of the Forest Service's standard contract (Form 2400-6(T)), the Forest Service has made "minor" changes throughout the section but has not changed the edition date. Accordingly, you may very well have sales under contract that have three different sets of the "standard" B(T) section – the original 9/73 version of the B section or the original 10/73 version of the standard BT section, the first 7/01 version of the B(T) section, or the 7/01 version of the B(T) section as modified in August 2002. Unfortunately, you cannot assume that you know what is in the "standard" clauses of the Forest Service contracts on which you are bidding and not all B(T) sections with the same date are identical.

We understand that the Forest Service is planning yet more changes to the 7/01 B(T) clauses in an effort to "clarify" things further. The Forest Service has also just issued a number of new C(T) clauses, including C(T)8.12 discussed on the next page, so be sure to review the clauses in any new sale offerings carefully.

Bid Form's Disclaimer Does Not Excuse Forest Service for Misrepresentations about Timber Volume Data

The Forest Service sought reconsideration of a decision in which the AGBCA found that the Forest Service had breached a lump-sum timber sale contract by using incorrect and unsupported

tree counts and sample tree data in generating the contract's volume estimates. As we reported in a previous Legal Briefs (Issue No. 20, December 2001), although the Forest Service represented that the sale was cruised on a 100 percent tree count with sampling basis, the cruisers did not count the actual trees and made up data for sample trees. The AGBCA rejected the Forest Service's argument that it was not liable for the errors because the bid form disclaimed the sale's volume estimates. Here the problem stemmed from the Forest Service's misrepresentations regarding the raw data underlying the estimates.

One of the grounds on which the Forest Service moved for reconsideration was that "it may drastically change the way the Forest Service sells its timber." In rejecting the Forest Service's motion for reconsideration, the AGBCA noted that it was the intended effect of its earlier decision that the Forest Service "alter its way of doing business. The Forest Service should not mislead purchasers." The AGBCA found that the purchaser reasonably relied on the tree count figures and was under no obligation to undertake its own tree count as part of its pre-bid analysis of the sale. It also found that the Forest Service's disclaimer language does not require prospective purchasers to discount all information provided by the government in the sale prospectus and sample contract.

Commentary:

It is More Important Than Ever for Federal Timber Purchasers to Enforce Their Contract Rights

Purchasers have always had important reasons for pursuing claims arising out of the suspension or cancellation of their federal timber sale contracts. First, purchasers often incur substantial losses due to suspensions or cancellations which result from the government's failure to meet its environmental obligations. Fundamental fairness requires that purchasers recover damages caused by government actions that violate

the timber sale contract. Such fairness is routinely achieved in other government contract settings because those contracts contain provisions which require the government to pay its contractors for damages they incur where the cause of the damage is the government's fault. Unfortunately, because federal timber sale contracts do not contain such provisions, a purchaser can only recover its damages by submitting a contract claim.

Courts and boards of contract appeals are now regularly rendering judgments against the Forest Service and BLM in favor of timber purchasers to compensate them when their contract rights have been violated. Damages awarded by the courts or boards of contract appeals are generally paid out of the government's indefinite judgment fund and not directly out of the Forest Service's or BLM's budget. The agencies are supposed to repay the indefinite judgment fund over time, but in practice this obligation can be postponed for many years, if not indefinitely. Accordingly, the payment of valid contract claims need not threaten the federal timber sale program. In contrast, when the Forest Service and BLM lose to the environmental activists in court, not only are government timber sale projects disrupted and the dollars put into planning them wasted, but the government frequently must pay

the activists' legal fees directly out of their timber sale budgets, too.

For years, environmental activists have pursued an aggressive agenda aimed at preventing logging on public lands. Their principal tool has been lawsuits which challenge federal timber sales, as well as the federal timber sale program, and they have been quite successful. However, timber sale contracts do not include provisions for fair compensation to purchasers in these situations. As a result, the Forest Service and BLM have become increasingly responsive to the complaints of the environmental activists and correspondingly less responsive to the rights of timber sale purchasers. Federal timber purchasers must continue to protect their rights to fair compensation, because when those rights are ultimately vindicated in court, it sends a strong message to the government: purchasers' rights are just as important as the concerns of environmental activists.

The preceding is a reprint of Legal Briefs published by Saltman & Stevens, P.C. From its Washington, D.C. offices, Saltman & Stevens, P.C. provides counseling and litigation representation on federal contract matters, including timber contracts, concessions contracts and permits, compliance with applicable environmental laws and natural resources planning, to a nationwide clientele.

State Patrol Voluntary Truck Inspections Project

The Minnesota State Patrol gives out stickers and no citations. Is it a dream or just wishful thinking? No! On Tuesday, December 10, 2002, representatives from the Minnesota State Patrol joined forces with Timber Producers Association members, Sappi Fine Paper North America and Boise Paper Solutions. The joint effort of these groups had a couple very good causes. The first, to maintain and improve relationships between the State Patrol, TPA and the mills in Minnesota. The second reason, have log trucks and trailers pass

level 1 inspections and get a 90-day sticker showing they are in good shape for the winter hauling season. The best part of the entire operation was that it was completely voluntary. Well, there were many good things about the project, including that it worked and achieved its goals. Mother Nature offered her assistance and made the weather cooperate.



Ready for inspection?

Just a Reminder:

1. Scanners are not allowed in a commercial vehicle.
2. Any radio that can pick up police frequencies is illegal.
3. Ham radios are not allowed in commercial vehicles unless the operator possesses a valid ham operator's license.

These are friendly reminders, courtesy of the State Patrol.

The idea for the project actually started with the truck workshops in April. The State Patrol was interested in working with our members to create a good working relationship with our organization. We originally hoped to have the inspections take place in October or November, before the winter season had actually started, but things do not always happen as quickly as we hope. Surveys were sent to all TPA members asking if there was interest in a project like this one and what locations would work for inspection sites. Interest was high, with nearly 80 trucks originally registered for different sites around the state. As with any new project or idea, things sometimes hit speed bumps or run into unexpected difficulties. Unfortunately, not all of the sites listed could be used or set up in time for the inspections to take place at all locations. However, Boise Paper Solutions in International Falls and Sappi Fine Paper in Cloquet generously volunteered space in their woodyards for inspection locations.

Overall, we had more than 20 trucks go through the inspection process. Most of the trucks and trailers got their 90-day stickers. A couple folks just had their trucks inspected to find out where they needed to get work done without being cited for deficiencies. None of the trucks or trailers that were inspected were found to be out of service on their parts. Comments received from members and others who participated indicate that it was an extremely positive experience and a great opportunity to interact with the State Patrol personnel in a neutral and positive situation. Hopefully, the members of the Patrol have similar thoughts about their experiences with our

(continued on page 25)



Sgt. Kevin Fulton gives Paul Berens a sticker for his tractor.



Tom McCabe waiting to test his brakes.

members.

We would like to thank Boise Paper Solutions and Sappi Fine Paper for their generous efforts in creating positive environments for the inspectors and truckers. Warm coffee and rolls were welcome even though the weather was not all that cold for December. Special thanks to Brian Johnson and Dan Toivonen at Sappi Fine Paper in Cloquet and Don Fuller at Boise Paper Solutions

in International Falls for their efforts in organizing things.

We owe special thanks and appreciation to the members of the State Patrol who crawled under and around all the trucks we saw that day. At the Sappi Fine Paper Scanlon woodyard, we thank Sgt. Kevin Fulton, CVI's Greg Miller, Tom Parson, Randy Zahn and Ron Jurgenson for all their efforts. At the Boise Paper Solutions

woodyard we thank Lt. Ron Silcox, CVI's Greg Salmi, Greg Lind and Officer Fred Wilson for their efforts in the colder regions. Many of our members who took part in the inspections have called to make special note that they were very appreciative of the Patrol and the work they did for us. The benefits of meeting these folks on a positive note will be recognized for a long time.

Important Facts About Drug and Alcohol Testing Requirements

Fact: All motor carriers with CDL drivers are required to have drug and alcohol testing programs as stated in Part 382 of the Federal motor Carrier Safety Regulations.

Fact: Each year, such carriers must randomly test their CDL drivers for alcohol and drugs.

Fact: Additional testing is required when:

- 1) the driver is being considered for employment (only for drugs and only when the driver has not recently been in a drug and alcohol testing program)
- 2) the driver has been involved in a crash (when the crash involves a fatality, or when the driver receives a citation related to a crash)
- 3) the supervisor suspects that the driver is using drugs or alcohol at work.

Fact: There are no exemptions for owner/operators. An owner/operator may act as both an employer and driver at times, or as a driver for another employer depending on contractual arrangements.

Fact: Owner/operators must belong to a consortium for random testing purposes. If an employer joins a consortium, and the consortium is randomly testing at the appropriate rates, those rates meet the requirements for testing for the individual employers.

Fact: These regulations apply to the forest products industry and failure to comply with the regulations carries considerable consequences. **The fines associated with non-compliance can be staggering. Fines are at the discretion of the auditor and**

based on their interpretation of the company's negligence.

The purpose of the drug and alcohol testing regulations "...is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial vehicles." These rules apply "...to every person and all employers of such persons who operate a commercial motor vehicle in commerce in any state." There are some important definitions that go along with these regulations, including, "driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner/operators." And the term, "employer means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this law."

Drug and alcohol testing programs are required to randomly test drivers. "The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method... Each driver selected... shall have an equal chance of being tested each time selections are made.... Each driver selected for testing shall be tested during the selection period.... Each employer shall ensure that ...tests conducted...are unannounced."

We are offering this review of the legal requirements to help ensure that all TPA members comply with the drug and alcohol testing laws. Every person (company) who employs someone with a CDL, operates equipment requiring a CDL license, or hires someone with a CDL to move their wood and/or equipment needs to be aware of the legal requirements for drug and alcohol testing and education. Some of the requirements for compliance include: 1.) You must have a written company policy for drug and alcohol testing. 2.) Every employee must receive a copy of the policy and sign an acknowledgement form. 3.) Supervisors must have a

minimum amount of training on substance abuse and detection. 4.) Tests must be completed within a set time frame or the entire pool of drivers is non-compliant. Understand that there are significant fines associated with non-compliance.

There are multiple ways to participate in drug and alcohol testing programs based on your company's needs. You could, as an individual employer with multiple employees, have your own drug and alcohol testing and education program in which you take care of every aspect of the selection, testing and record keeping. You could belong to a consortium or pool for random testing as offered through a variety of different entities. TPA Services, Inc. has a program that is solely for TPA members which addresses the requirements of random testing, pool selection of drivers, record keeping and organization of testing materials and facilities.

The TPA Services, Inc. drug and alcohol testing consortium consists of two parts. The first part is a manual which outlines what you are required to do in order to be in compliance with state and federal law relating to drug and alcohol testing of commercial drivers. It also includes information on the education/training requirements for employees and supervisors, sample policies, and additional information. The second part of the consortium is the actual drug and alcohol testing. There is a one-time enrollment fee and then an annual fee/driver for the random testing portion of the program. TPA Services, Inc. pays for all random testing for those enrolled in the consortium. Additional tests such as pre-employment, post-accident, reasonable suspicion, return to duty or follow-up testing or any other tests you may require of your drivers are the responsibility of the individual company. If you choose to join the TPA Services, Inc. consortium you will automatically receive both parts of the consortium. If you are interested in joining the TPA Services, Inc. consortium or want more information on this program please contact the TPA office at 218-722-5013.

American Tree Farm System Begins Group Certification Pilot Studies

The American Tree Farm System® (ATFS) has begun two of several group certification pilot programs planned for 2002-03. The pilot programs, involving a forest industry landowner assistance program and a large forestry consulting firm, are part of a process to help ATFS craft a third-party group certification program that is efficient, economical and credible. The Plum Line, a private consulting partnership specializing in sustainable forest management systems, has been contracted for the first two projects. "This is an exciting step in the extension of voluntary third-party certification to non-industrial private forestlands, and we are proud to be a part of it," says Bill Rockwell, a partner in The Plum Line.

ATFS began developing its group certification system more than a year ago. A task force comprised of

leaders with forestry cooperatives and landowner assistance programs, consulting foresters and state forest stewardship programs was assembled to investigate the concept of group certification, examine existing systems and determine if such a system was feasible for ATFS. "Group certification is the vital link needed to bring real marketing power to individual tree farmers. The beauty of this effort is that, by using the nationally recognized ATFS forest management standards, it makes group certification affordable for small organizations such as ours," said Ron Bell of the Ozark Woodland Owners Association.

"The task force discovered that the challenge was not developing a group certification program. There are already several of those in use around the world. The real challenge was to develop a process whose auditing efficiency results in substantially lower fees for groups than are currently being experienced in the certification arena," said Bob Simpson, ATFS director. "We believe we have developed such a system. The pilot

certification studies will allow us to test these processes and make any corrections necessary before ATFS presents it to other eligible groups."

Eligible groups, as the program is currently developed, will include almost any type of forestry related organization such as forestry cooperatives, county forestry clubs, associations, landowner assistance programs, forestry cooperatives and state forest stewardship programs. Individual landowners within the group (group members) voluntarily agree to manage their forests according to the American Forest Foundation's Standards of Sustainability, against which ATFS certifies. Group managers are responsible for making sure standards are adhered to by group members.

For more than 60 years, ATFS has used its method of individual certification to recognize private forest owners for their outstanding stewardship and to teach others about sustaining their forest resources. Currently, there are nearly 65,000 individual properties certified by ATFS, covering almost 27 million forested acres. "Group

certification gives us another tool to help ATFS accomplish its mission of getting more good forestry on more acres," said Simpson. "With group certification we now have a means to outreach to large numbers of forest owners, certify their forest management and continue to feed them timely and current information regarding practicing sustainable forestry."

ATFS promotes the sustainable management of forests through education and outreach to private landowners. Founded in 1941, ATFS certified members are committed to excellence in forest stewardship. Tree Farmers manage their forestlands for wood, water, wildlife and recreation with assistance from over 7,000 volunteer foresters. ATFS is a program of the American Forest Foundation, a non-profit organization that works for healthy forests, quality environmental education and to help people make informed decisions about our communities and our world.

For more information, please contact Brigitte Johnson, director of communications, 202-463-5163; e-mail: bjohnson@forestfoundation.org.

American Loggers Council Sponsors Focus Outdoors Show

Beginning in January 2003, the American Loggers Council will be sponsoring "Focus Outdoors," an outdoor hunting and fishing show to be aired on the Outdoor Channel on Friday nights at 6:30 p.m. CST.

The show will be informing viewers on the benefits of timber harvesting and other forest management activities to wildlife habitat. The American Loggers Council will be sponsoring the show on a weekly basis and working with other conservation groups such as the Ruffed Grouse Society, the National Wild Turkey Federation and Delta Waterfowl to inform and educate the viewers of the need for forest management, including timber harvesting to promote wildlife and wildlife habitat.

The first episode of the show was filmed during the third week of

November near Lufkin, Texas, on the North Boggy Slough hunting area owned by Temple Inland. ALC Executive Vice President Danny Dructor and Texas logger Jerry Burch made the journey to Boggy Slough to be joined by wildlife biologist Don Dietz of Temple Inland. During the hunt, they were able to discuss many of the tools that today's loggers utilize to promote sustainable harvesting practices as well as provide habitat for many species of wildlife.

ALC President Bob Luoto explains, "The image of today's professional timber harvester is very important to the survival of our industry in the United States. If we are to gain public acceptance of who we are, what we do, and how we do it, we must promote ourselves through programs such as Focus Outdoors. This is just the beginning of a series of programs that the American Loggers Council hopes to initiate to promote our image."

Luoto went on to say, "The timber harvesting industry has made many changes over the past two decades which reflect the desires of ALC members to promote sustainable harvesting techniques, but we have not had an effective platform to relay that message to the public. The Focus Outdoors program will give us that opportunity to help educate the public on the professionalism and quality of work that is now being performed on our nation's forests to provide for forest health and sustainability."

A second episode of the program was filmed on property owned by Texas logger Tommy Burch, which involved several of his grandchildren hunting white-tailed deer. In that episode, Tommy emphasized the importance of taking care of what we have now to provide the same opportunities for future generations. Tommy's tour of his property included a regeneration harvest area where three-year-old pines now stand six feet tall, as well as Sabine River bottom hardwoods where selective harvesting techniques have produced a quality hardwood forest.

An abundance of wildlife was filmed at both locations which included deer, ducks, hogs and

squirrel; with an unexpected encounter with a 5-foot chicken snake by executive producer Lee Storbeck and his cameraman Mickey Uzendoski.

A special thanks goes out to the fine folks at Temple Inland including Jim Decozmo, Don Dietz, Jim Brody, Carolyn Elmore and Wayne Russell, who helped to make the production go off without a hitch at Boggy Slough. We would also like to acknowledge Tommy and Jerry Burch and the entire Burch family for allowing us the priceless opportunity to spend time with their family on their property and to help create some memories that their grandchildren will cherish forever.

The American Loggers Council would also like to thank John Deere for making the continuation of the Focus Outdoors program possible. While we still seek funding to further improve the program, their generous contributions have allowed us to go on the air.

As for the results of the hunt, you can find out by tuning in to the Outdoor Channel beginning in January on Friday nights at 6:30 p.m. CST and watching Focus Outdoors. The ALC episode is tentatively scheduled to appear in the third week of January.

W.W. Wallwork Inc. Sold

W.W. Wallwork Inc. has sold its interest in Valley Ford. Wallwork had owned a one third interest in Valley Ford since the sale of the majority interest to RDO Automotive in 1997. Wallwork will continue to represent Ford as an authorized Ford Truck Dealer (F250 and up), Ford Rent-A-Car affiliate and a Used Vehicle Center.

W.W. Wallwork Inc. started in 1921 on Center Avenue in Moorhead as an automobile dealership.

Today, W.W. Wallwork Inc. is the sole owner of Wallwork Truck Center (which is a Ford, Kenworth and Sterling Truck Dealership in Fargo and Bismark), Wallwork Financial Corporation, Valley Imports, Wallwork Rent-A-Car, Wallwork Collision Center and Wallwork Used Car Sales.

Early Winter is a Busy Time in the Woods

by Shawn Perich

After the deer hunters go home, folks who work in the forest prepare for their busiest season and wait impatiently for a hard freeze. During the next few months, loggers will battle snows, bitter cold, and costly equipment breakdowns, making the most of meager daylight hours in order to complete their winter harvest before spring breakup.

Where I live, you see loggers heading into the woods long before sunrise in order to reach distant job

sites and have their equipment fired up and ready to roll at dawn. Logging isn't an easy way to earn a living, but it is a way of life.

In northern Minnesota, logging is most often a family-oriented small business where independent operators buy trees and sell the wood they produce on the open market or contract to harvest wood for various mills. High overhead costs – for expensive equipment, insurance, and payroll – are part of the game, as are uncertain and fickle markets for forest products. Running a logging operation is not for the faint of heart.

Minnesota logging changed significantly in recent years. With little fanfare, loggers invested in training and technology that allows forest harvesting to go lighter on the land. They deserve greater recognition for making these changes than they've received.

Timber harvest often draws a knee-jerk "woodman spare that tree" response from many folks, who view cutting down trees as destruction. But if you walk around recent logging sites, it is readily apparent things are being done differently than they were just a few years ago. You'll notice buffers of vegetation protecting streams and wetlands. Islands of trees and uneven harvest boundaries create a mosaic of disturbance, rather than grid-like clearcuts. Skid trails and roads are designed to minimize ruts, soil compaction (which inhibits the growth of new trees), and erosion.

These changes may not satisfy logging critics, such as some green groups, who continue to vilify forest workers to suit their fund-raising and political needs. Pardon the pun, but these groups are barking up the wrong tree. Ecological issues associated with timber harvest have been largely addressed. The looming challenges to conservation have more to do with coping with the varied demands placed on our forests by a rapidly growing human population.

We are heading into uncharted territory. As Minnesota's population moves toward six million people, we really don't know if there will be room in the woods to provide a comfy second home and a recreational playground for everyone. We also don't know how subverting ecology through aggressive fire suppression – a given as forest property values soar – will affect forest health.

We can begin looking at population growth and its effects on our forests through the same means we've used to improve our methods of forest

harvest – primarily the collaborative efforts of forestry professionals and an interested public. However, logging touches people at economic and emotional levels that motivate both controversy and the will to resolve it. Population issues are murkier, less easily defined.

For the foreseeable future we are most likely to address forest problems in a piecemeal fashion, as we are presently doing with off-road vehicles. To go deeper requires value judgements most folks are unwilling to make. It is one thing to blame a logger you don't know for cutting down trees, but quite another to admit the second home you just built diminishes the qualities of the forest you profess to desire.

Perhaps the continued march of civilization deeper into the northwoods is an inevitable expression of Manifest Destiny in the 21st Century. We are not out of the woods yet when it comes to creating a vision for the conservation of Minnesota's northern forests. Perhaps we never will be.

Reprinted with permission from Outdoor News.

Wet Cell Batteries

Every year common, ordinary automotive batteries are responsible for minor mishaps such as peeling paint and electrical shocks. They are also to blame for more serious problems like severe eye injuries, acid burns, and catastrophic fires. Battery accidents happen because so many people handle batteries in a casual manner.

Wet-cell batteries are everywhere – in vehicles and other equipment or just sitting on the floor on the way to recycling. You can't walk through many shops without literally tripping over them. Yet, they are very dangerous and demand your respect. It would be difficult to find a technician who hasn't seen a battery explode. The purpose of this bulletin is to remind you of these dangers and provide information on how to protect yourself.

Batteries hooked up to chargers present the greatest hazard for one

reason: they produce explosive hydrogen gas. Extreme caution must be used when charging wet-cell batteries of any size. Many people have found out the hard way that this gas can be easily ignited, and then start a catastrophic fire.

Here's how to protect yourself and employees:

- Provide adequate ventilation in charging areas for disposal of hydrogen gas fumes from gassing batteries. Never charge batteries in a small, tightly sealed room!
- Eliminate all ignition sources from the charging area. The hydrogen gas can't explode without an ignition source, so remove or eliminate as many as possible. Keep the charging area clear of all combustible materials such as cardboard, wood, paper, etc.
- Follow the manufacturer's recommended procedures for using battery chargers. Everyone working in the battery-charging area should be aware of the hazards involved and properly trained in the correct procedure for charging batteries. Ensure that all cells are filled to the recommended level (if not maintenance free) with water and that all battery caps are in place prior to charging. Attach clips securely to batteries before turning the charger on to reduce that chance of a spark. Do not overcharge batteries; avoid overnight or extended charging times.
- Employ good electrical practices. Plug battery chargers directly into grounded electrical outlets; avoid using extension cords that can overheat. Don't alter or modify the charger itself, the power cord or clips.
- Fire and explosion are not the only hazards associated with batteries. They also contain very dangerous sulfuric acid that can burn, maim and blind anyone. Technicians work around batteries constantly. They tend to forget how dangerous batteries are and treat them in a careless manner. Remind everyone of the dangers of handling wet-cell batteries and follow these common-sense precautions:
- Wear proper PPE (Personal Protective Equipment) when

handling, and most importantly, whenever working around charging batteries. Proper eye protection is most important. Eye protection means more than ordinary safety glasses. Goggles worn in conjunction with full-face shields provide the best protection. Acid-resistant gloves and aprons should also be worn.

- Provide an emergency eyewash. The eyewash must meet OSHA standards by being readily accessible and provide a 15-minute "flushing" supply of water.
- Use extreme caution when jump-starting or charging vehicle batteries. A battery being charged while it is still in a vehicle is more dangerous than one charged elsewhere. You should stand clear of the battery during charging operations. You should also remove all jewelry before working around batteries. Remember to keep tools and other metallic objects away from the top of uncovered batteries, and remove all ignition sources from the area. Attach the charger to the battery prior to turning it on. Ensure that the clips are secured to the posts and have a strong electrical connection.
- Neutralizing agents should be available for electrolyte spills. Bicarbonate soda, lime or other commercially available neutralizing chemicals should be kept on hand to treat acid or electrolyte spills. Store all batteries on wood pallets, preferably inside in a segregated area. Leaking or damaged batteries must be placed in an acid-resistant leak-proof container. Avoid storing used batteries outside because they may pollute the ground water. Keep the number of used batteries on hand to a minimum; have them removed in a timely manner.

Using common sense when charging or handling batteries will help protect you from unnecessary loss. Train employees on safe procedures and then make sure they are followed. Your employees and your business depend on it.

Reprinted with permission from the Timber Producers Association of Michigan and Wisconsin, Sept. 2002.

LOGGERS OF THE PAST . . .

Skidding by Horse and Ox

by J. C. Ryan

This story is reprinted from an earlier *Timber Bulletin*—one of the first of “Buzz” Ryan’s ever-popular contributions to these pages. The *Bulletin* will continue to reprint selected stories from the memories he recorded for us.—Editor



After watching various rubber tree skidders demonstrate at the annual TPA logging demonstration and having seen the many types of power skidders entering the north woods in recent years, one may wonder how the vast stands of virgin pine in northern Minnesota were ever logged, considering that loggers had to rely mostly with horses and oxen.

In the early days, when logs were skidded to the rivers and lakes, quite a few oxen were used. They were slow and powerful, moved well in the brush, ate less than horses, were less expensive and required less care. The oxen were generally paired, but it was not uncommon to see four or six oxen skidding a large log.

In Minnesota, oxen were used mostly in the southern part of the pine range along the St. Croix River, the Rain River and up along the Mississippi River to Grand Rapids or to a short distance west. Very few were used in the northern part of the pine range.

Throughout the northern half of the pine range, horses were used for most of the log skidding. Two horses were used most often but with a small run of timber, sometimes a single horse was used.

When a large butt log was too much for a single team, it was left until all the skidding nearby was done. Then four horses would go in and skid all the big butt logs that had been left on a certain tract. This was usually done late in the spring as a cleanup.

I remember one spring at one of the Northern Lumber Co. camps run by Tom Henderson, an unusual number of pine butt logs were skidded. Early in April, they were left and three or a skidway all along the railroad track in Section 30 54 12. Dan McLeod was scaling them as we happened along. We were estimating the number of board feet on a log. These ran from 900 to 1,200 board feet per log. They were all loaded at one time and made eight cars of the first pine logs I ever saw.

Skidding tongs were used on most logs and they were skidded one at a time. However, when the logs ran small, a skidding chain was used and then two, three or even four logs were skidded at a time. Skidding usually was confined to about 40 rods from the skidway or about half way across a forty—logging roads usually went through the center of a forty if the terrain was level.

When skidding had to be done for any distance, a single-bunk drag with spacers along the tops of the bunk was used. The butt end of the log was then rolled onto the drag and the top end left on top on the ground. Two or three logs could be loaded in this manner. With the front end of the log on the drag, pulling was much easier for the horses.

Ties, pulp, posts and other short products were skidded with a two-bunk drag—usually pulled with a team of horses—and about a wire was taken out

each trip. Here skidding was confined to less than one-fourth of a mile.

Some large logs were peeled or barked on one side and then rolled and skidded with the smooth side down to make the pulling easier for the horses.

Cedar poles, framing poles and long timbers were skidded similarly to logs, with the single-bunk drag used for longer distance skidding.

A team of horses and one man would skid up to 250 logs per day. There was usually one “swampier” cutting trails for each skidding team. Often, as many horses skidded as hauled logs in a camp. However, jams were to have most of the skidding done early in January before the snow got deep. Most single-bunk logs were loaded in the woods so a wheel had could be loaded in one spot and the sleigh not moved with but a haul or several times work being loaded.

Only one company used the steam skidder with any success in Minnesota. That was the Poulakos Lumber Co. of Bendaji, which did steam skidding in the Kellher, Mizpah, Northome and Blackduck areas from 1910 to 1920. Several other companies tried the skid-line cable skidding but had little success. The Cloquet Lumber Co. tried it in the Cloquet Valley Forest area.

The cost of log skidding was one of the factors a lumber camp foreman watched very closely. And he always tried to get a good straw boss to handle the crews,



Classifieds

To serve our readers better, the Timber Bulletin offers free classified ads of up to 85 words to all members and associate members of the Minnesota Timber Producers Association. All ads must be submitted in writing to the Association office. The MTPA assumes no responsibility for ad contents and accepts free ads on a first-come, first-served basis within space limitations.

USED EQUIPMENT FOR SALE

FOR SALE

1996 Int'l 9200 12.7 Detroit 13 spd double overdrive - Headache rack - axle load gauge - PTO - full locking gears - 430/470 HP 4:10 rears - Good rubber - Extra tires and rims - Other extras - 449,00 miles - \$18,900 - 218-666-5577.

FOR SALE

1998 170 Serco slasher loader, 1/2 cord continuous grapple with or without 70" slasher mounted on Savage 6x6 carrier 5,000 hours - \$75,000
 1989 210 D Prentice 1/2 cord continuous grapple on 6x6 Oshkosh truck with or without 60" Siiro slasher \$29,000
 1989 160 Barko on carrier \$17,500
 1973 160 Barko on Ford truck \$10,000
 1973 160 Barko on Int'l truck - for parts
 David 218-787-2377

FOR SALE

1990 Hydroax Shearhead 20-inch, new knives 6 months ago, excellent condition. \$3,000.00 FIRM.
 1-218-658-4609

FOR SALE

1979 540B JD, overhauled eng., good tires\$16,500
 1970 440A JD8,500
 1973 C5 TF7,500
GRAPPLE SKIDDERS
 1997 460 TJ, dual function, very good condition61,000
 1994 450C TJ, dual functionPOR
 1993 518C Cat, new trans.....49,000
 1987 666 Clark, flotation tires22,000
 1989 170XL Franklin, 6 cyl. Cummins20,000
 1991 450B TJ Cummins eng....20,000

1979 540B JD, 28Lx26 tires19,000
 1984 540B JD, 640 rearends, 28Lx26 tires25,000
 1986 648D JD, dual function...29,000
 1988 648D JD, dual function...33,000
 648E JD, dual function49,000
 1978 C6 TF10,000
 1980 C6 TF, with 23.1x26 tires and chains.....9,000
CRAWLERS
 1995 D3CLGP, new undercarriage, very clean ...33,000
 1990 650G, 6-way blade.....39,500
 1987 D4H LGP, 6-way blade, encl. cab31,000
KNUCKLE BOOM LOADERS
 1987 210C 6-cyl. JD slasher package27,000
 330 TJ self-propelled, diesel, 5,265 hours33,000
 42' Trailer w/Barko 40 center mount11,000
 1997 Prentice F90T on 1989 Lufkin trailer.....15,500
 Prentice 90 on tandem truck, 19' bed.....9,500
 1987 XL 175 Husky15,500
TRUCKS
 1998 Peterbilt, 470 Detroit, 18 sp.36,000
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