

LOGGERS WORLD

VOLUME 48 NUMBER 4

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APRIL 2012

Maintaining the Pace



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Finley's Rigging Shack "Classic"



(This column originally appeared in the April 1973 edition of *Loggers World*.)

Old haunts

When I visited Gordon Dills logging side that uses a Skagit Tower, was back in some country that I hadn't seen for forty two or forty three years. That is up the South Fork of the Nooksack River.

Forty some years ago my Uncle was Forest Warden (think that was his title) in that area. The cabin was where Sister Creek and the Nooksack come together. I spent most of one summer with him. Too bad that every twelve year old boy couldn't do the same thing.

At that time we walked in up the Nooksack about twenty five miles from Saxon. This time I drove in taking about forty minutes from Concrete. Some difference!

Not too far from the Ranger Cabin, 12 or 15 miles, was the big logging camp belonging to Lyman Timber Company. Their railroad ran from the woods down to Hamilton. Supposedly they had the highest single pole rail road trestle in operation—think it was 130 feet high.

Along about that time they had a fire that burned out the logging camp. My Dad worked on that fire. Burned up the camp and the livestock they had next to camp to butcher for meat for the hungry loggers.

We had lots of company that summer. Two or three parties a week would walk in to fish and to hike. Remember locomotive engineer and his daughter came in for awhile. Ed Woods was his name, his daughter was about 17 at the time and the first love of my life.

Remember a boy about my age coming in with a group. He had a brand new Remington slide action .22 rifle and cases of shells. We did a lot of

shooting but little damage.

That was about the time that Colt came out with the .22 Woodsman pistol. One fellow who came in there had one. One day while he and I were fishing he came up on a snake in the trail. He stepped on the snake and carefully shot at the head of the snake that extended out from under his foot. He miscalculated a bit and shot himself in the toe.

Most of what I learned was good. Some wasn't.

A friend of my young Uncle's came into the cabin to visit. He brought in some whiskey but they were careful that I didn't get any of it. I did sneak a drink or two, enough to know I didn't like it. They'd do their work, sip on the whiskey and tell the latest dirty stories.

That fall when I went back to school had a fund of dirty stories to tell. This came to the attention of the man teacher. I got expelled from school.

So everything I learned that summer wasn't all for the good!

Loggers World people

I'm a very fortunate man in that my work is enjoyable. The part I like the best is the traveling, meeting new logging men, writing and taking pictures.

About six months ago we purchased a 22 foot travel trailer and worked it over so that it also served as a field office and a darkroom. Then on the road could do my work and develop the film and make contact prints. Thus moved into an area and spent a couple of weeks there traveling around the logging jobs. Should have done this years ago.

There are things in any business that must be done whether they are enjoyable exciting sort of tasks or not. The part I like about my work the least is working in the office. Don't really dislike it but it does get tiresome being concerned with details and such.

One of our most important ingredients in our business is the excellent people that work with us. Bill and Vi Iund, the husband and wife advertising selling team, is the best in the business and deserve most of the credit for our growth. My wife Jean has completely devoted herself to our busi-

ness and puts in more time at it than anyone else. She is a gem and for eight years she has worked hard and long doing those things that wouldn't get done without her.

First of the year in 1968 June came to work with us and she learned and she mastered new jobs. She left last year to be married and I'll never forgive her husband. During her stay with Loggers World we had a Jean (my wife) and a June in the office. This lead to confusion due to both names being so similar.

When June left we were fortunate enough to attract to our work a lovely lady named Jean Curtis. Now the two women in the office were both named Jean. That is what I call curing confusion. Jean Curtis is a lovely lady dedicated to getting the job done in the best way she can do it. Born in England she married a career Air Force man (John Curtis). John has retired out of the service and is now a logger. They have lived all over the world and can tell you about almost any country you can name because they lived there. We keep lucking out. We continue to get good people.

The newest addition to Loggers World has one of the world's toughest jobs. He has lots of responsibility without the needed authority. Dave Rimes

is his name and he is a career military man—a Navy man. (Keeps calling me Sir.) Think that Dave just celebrated his sixtieth birthday and he is eager to learn and is full of energy and curiosity. He is interested in his work and is completely new to our kind of business. He is training to be the general manager of the office and surrounding territory. When he learns that ropes and masters one job after the other this will free my wife Jean from some of her duties.

Then she can accompany me on most of the writing trips and work with me in the 'Mobile Office' Then I'll have an executive secretary. Dave and Jean Curtis will look after the functions in the office and my Jean will help me work in the field. We shall spend about half the time away from the office and the other half at the office.

This year we have another excellent gentleman working with us. Hank Nelson. His main job will be to increase the circulation of Loggers World but he will cover other things and have other duties.

All the men that work outside the office and

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In This Issue...



FRONT COVER PHOTO: ALLEN BROS. FOREST MANAGEMENT harvesting a hillside with a mix of shovel and tower logging. In the foreground is Larry Allen (Les' youngest brother who was filling in) decking with the John Deere 2554. The Diamond 210 swing yarder, with Acme 28 motorized carriage, was changing roads. To the upper left are Les Allen at the controls of his new Caterpillar 568LL shovel logger, and to the right is Rob Allen processing with their Keto 825 dangle head processor mounted on their John Deere 3554 carrier. As you can see, the snow was still flying in late March.

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ALLEN BROS. FOREST MGT. • ARLINGTON, WASHINGTON

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Rigging Shack

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come in contact with logging people are ex-loggers. Wouldn't have it any other way. So we are growing and scrambling and working to increase and achieve in all ways. Our people that work with us makes it all possible and in fact make it a cinch. We have the best in the business and I'm most thankful of that. I think they'll be surprised to read this because I'm not much on compliments.

The strange thing about our racket is that no one has had any prior experience in this line of work before joining Loggers World. That is why they are so excellent. They use initiative and imagination and are constantly coming up with newer and better ways of getting the job done. At the same time I had to urge and sell almost everyone on the belief that they could do it. And they did it!

Coming events

We have a river drive story coming up later this year. There is a big outfit logging in or near the Nass River up above Terrace British Columbia. The logs are put in the river and driven to a bay that I believe they call Iceberg Bay. Then they are boomed and towed to the mill at Prince Rupert. They handle over a million logs a year in this fashion. I hope to spend a couple of weeks there the first of June and am looking forward to this trip.

In a couple of months we will come out with a 'Timber Cutters' special paper. This will be in addition to our normal Loggers World. You as a subscriber will be glad to know that you'll get this special issue at no cost. One of the bonuses we like to give now and then.

Hope to have another issue later this summer or fall on water logging. Intend to put a boat in the water at Vancouver B.C. and go up the coast on both the mainland and Vancouver

Island and take pictures and write about logging outfits that log on or near the water. Who knows how this will turn out?

If our plans turn out right next January we shall have a big special issue on the logging operations of Simpson Timber Company. They log in Washington, in Oregon, in California and in Canada. This will require lots of miles to gather information on these far-flung logging operations. Looking forward to this.

The October issue of Loggers World is a surprise package. Earl Roberge will be the writer, photographer and editor of this issue. Don't know what will be in it but know it will be good.

Boats

Several years ago we got a river boat from Nulf Boat Works in Gold Beach. They specialize in river boats. They are good at their business. This boat was sled design and powered with a Ford Marine Engine driving thru a Jacuzzi Jet pump. A

good boat but needed a bigger one for the boating we intended to do both for business and for fun. Traded that in on a large one with a bigger engine and pump. Am looking forward to some fun with this. Will use this boat on our 'Water Logging' special.

Seriously intend to use it for some river fishing from time to time also. Then next summer want to spend a coupe of months (that will be in 74) in the waters of South Eastern Alaska and calling on loggers in that area.

I'm going to try to learn to take some week-ends of and play more. I learned how to work but have never learned how to play at things. So intend to take a couple of week-ends off each month and boat around and about. Want to explore some rivers and lakes and bays. Will we actually do it? We'd darn well better because we have too much money in that boat for it to just sit there.

Trailer parking

One of the problems of hauling this trailer around and about is parking it, or rather finding a place to park it. Lucked out this last time. Found a trailer park and Redway California called 'Dean Creek Tent'N Trailer. They have a motel gas pumps, and store and are fine helpful people. Nice neighbors and fine location. Hope I can do as well every time.

Weather

We boast that we can take pictures in any weather that loggers work in. At times this is difficult to do and we spend a lot of time drying out cameras and using extra lights and working under most horrible conditions. But—we get lots of help and lots of good weather too. On the California trip we were blessed with perfect days. Warm sunshiny days that were most pleasurable. Appreciate it!



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As We See It....

LOGGERS SPEAKING TO CONGRESS

I had the opportunity to go to Washington, D.C. to give both written and oral testimony before the House Subcommittee on Oversight and Investigations Committee on Energy and Commerce. I discussed the current rules and regulations that affect not only our company, Cross & Crown, Inc., but thousands of logging and forestry companies across the United States.

My name is Bob Luoto and I am a third generation logger. I have worked and lived in the northwest section of Oregon for over 40 years and the majority of my family lives just outside of two great little towns called McMinnville and Carlton, Oregon. I have served as President of both the Associated Oregon Loggers and the American Loggers Council. Currently, I represent the American Loggers Council on the SFI Board of Directors where I am currently serving as Board Chairman.

The issues that I addressed before the Subcommittee is our support of House bill (HR 2541), and the recent court rulings invalidating the EPA's Silvicultural Rule, which has been in effect almost as long as I have been a professional logger. These rulings would effectively put the building

and hauling on all logging roads under the permitting process of the EPA. The original EPA rules were never intended to focus on forest roads; however, they are now included after the rulings by the Ninth Circuit Court of Appeals which is located in San Francisco, California.

The other issues that I testified on involved the regulatory uncertainty facing professional loggers in woody biomass. The uncertainty created by the countless lawsuits that have prevented the harvesting of timber from our federal lands, and the loss of generations of loggers, as our industry has declined from 73,500 logging jobs in 2001 to 48,400 in 2010. This is a tragic loss of over 35 percent of our industry nationwide. These rulings will affect our company greatly. The same issues will certainly affect all of the logging and forestry companies throughout the United States. We will all be affected by one or more of these issues in the near future.

I know that when I look at all of these issues, they seem overwhelm-

ing to me. I wonder what kind of a difference a logging company or one person can make on the national scene. This is where you, as loggers and family members, can connect

with your local professional logger associations and also support the American Loggers Council on the national level! As the men and women who run logging companies or loggers who work for logging companies, we can't always do it alone. It takes the support of others outside the logging and forestry industries and all the loggers throughout the country to make a difference in Washington, D.C. Without the

support of my wife, Betsy, my son, Kirk, our employees and the several groups of great people in other supportive industries, such as John Deere, supporting the American Loggers Council, I would not have been able to make the trip to Washington, D.C. to tell our story as a logging family who are small business owners. If we don't try to make a difference today, generations of logging families will continue to go out of

business and we will continue to lose years and years of experience in the woods. If, as American citizens and loggers, we do not try to change things in our country, then many of the rights we have taken for granted for years, could be gone before we realize what has happened. This is a frightening fact that we must contend with now, whether we like it or not.

I would personally urge you to get involved and stay involved with the political process at the local level, the state level and the national level whenever you can. I know that these past several years have been some of the toughest our industry has faced. But, as we begin to come back from this huge blow to the nation's economy, I would tell you to take the lead in all discussions that you can and on any level of our government that you can when it comes to what YOU do to serve our nation and the world-LOG! It WILL make a difference for the future generations of loggers and logging companies and the future of our country.

Remember to vote this November

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See "As We See It"

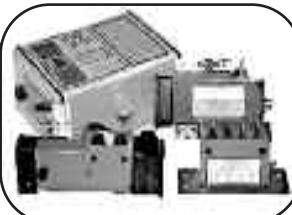


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T-Bird TSY 6140, 50' boom.....	POR
Madill 172, Low hrs.....	POR
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Diamond D210, good cond.....	\$249,500
Skagit GT3, water cooled interlock, 400 Cummins, on rubber.....	\$45,000
JD 992, w/2 Pullmasters.....	POR
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Summary Judgment....

Endangered Species Act: Like the Hotel California

by William Perry Pendley

The Eagles' memorable hit, "Hotel California," ends hauntingly, "You can check-out any time you like; but you can never leave." Don Henley, who with Don Felder and Glenn Frey, share the writing credits, says "it's basically a song about the dark underbelly of the American dream and about excess in America..." but, given a new draft Obama Administration regulation, it could be about plants and animals listed pursuant to the Endangered Species Act (ESA). Once they get on, they never leave.

The 1973 ESA defines "species" as "any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which (sic) interbreeds when mature." Under the Act, an "endangered species" is one "in danger of extinction throughout all or a significant portion of its range," and a "threatened species" is one "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Amazingly, "a significant portion of its range" remained undefined for almost 35 years.

In 2007, the U.S. Department of the Interior Solicitor issued a legal memorandum that defined the term as "a substantive standard for determining whether a species [is covered by the ESA]," which permits the Secretary to list a species as subject to the Act's protections only "in that portion of its range where it [meets the Act's requirements.]" Based on the Solicitor's Opinion, the U.S. Fish and Wildlife Service [FWS] concluded that several species met the Act's requirements only in a significant portion of their range but not in all of their range; thus, the FWS delisted them where they were neither threatened nor endangered.

Not surprisingly, environmental groups quickly challenged those delisting decisions in Montana (wolves), Colorado (mice), and Arizona (prairie dogs). The Obama Administration provided a half-hearted defense of the former Solicitor's Opinion in the Montana and Arizona cases, but, in the Colorado case, federal lawyers informed the district court that the FWS would revoke the 2007 Opinion and embark upon new rule-making. Late last year, the FWS published its draft rules in the Federal Register; the agency will receive comments on the rules until next week and then issue final rules later this year.

The FWS concludes that, if a species is threatened or endangered anywhere in its range, it must be listed as threatened or endangered throughout the entirety of its range.

The agency reaches this self-serving conclusion because it conflates two terms in the ESA: "a significant portion of its range" [SPR], and a "distinct population segment" [DPS]. Because the ESA provides authority for the FWS to delist a species that qualifies as a DPS, the FWS concludes that the DPS language would become redundant, which is impermissible when interpreting a statute, if a species could be delisted, effectively, by use of the SPR language.

Instead, it is the SPR language that the FWS renders of no effect contrary to the intent of Congress and the holdings of federal appellate courts. When Congress amended the 1969 Endangered Species Conservation Act in 1973, it specifically included the SPR phrase to require that the FWS first, identify a species covered by the Act, and second, determine where in its range it is threatened or endangered. The FWS calls this congressional mandate a mere "book-keeping provision" it may ignore, which is rebutted further by the requirement that the FWS ascertain if a species meets the Act's requirements in "all or a [] portion" of its range.

This is no lawyer's quibble. A FWS decision to list a species and impose its Draconian mandates over an entire region or the refusal of the agency to lift such rules where a species is thriving has devastating consequences. Just ask the farmers in California's San Joaquin Valley (delta smelt), the ranchers and roughnecks in Wyoming's Sublette County (sage grouse), or the communities in the Texas Panhandle (sand dunes lizard).



Mr. Pendley, a Wyoming attorney, is President and Chief Legal Officer of Mountain States Legal Foundation and a regular columnist in Loggers World.

As We See It

(Continued from Page 8)

and, above all, stay involved in the political process. You will see that it does make a difference to our great industry in the years to come. I have been both proud and humbled to represent our industry whenever I can. I thank you for supporting me in doing so these past years. Now, let us all move forward, knowing that we can not only survive, but thrive in what we love to do! May God bless each of you and our great industry!



MAINTAINING THE PACE



ROB ALLEN worked two years with the Allen Bros. out of high school, left to pursue other interests then returned in 2004, and today manages the company. Typically he'd run their JD 2554 shovel logger, but was filling in for processor operator Bruce Sherill.



ARLINGTON, WASHINGTON

by Mike Crouse

Innovation, planning, and anticipating change has long been a way of life for Les Allen. He was born and raised on the Olympic Peninsula near the town of Chimacum, and started his logging career at 15 working for his father, Robert Allen, who owned Chimacum Logging. "That was when second growth was just starting to come on," he explained.

"Then I worked for my uncle, Ray Allen," who owned M&M Logging, and continued working with multiple sorts. "When you get multi-stands like we had, it really created a mess," which in turn gave them strong incentive to organize it for greater efficiency, organization, and a better flow of the wood. He worked a number of years for M&M until the company dissolved, "...my brother Craig and I picked up some of that equipment, and that's how we started logging (on their own) in 1975. By 1983 Les bought his brother's interest out becoming sole owner, and retained the Allen Bros. Forest Management, Inc. company name.

Meeting Pope and Talbot (Port Gamble) supervisor Milt Philbrook, was particularly fortunate both for Allen, and several other loggers on the Olympic Peninsula. He fostered and encouraged that group to try a number of different harvesting systems, methods, and techniques, particularly on the second

(Continued on Page 7) **See "Allen Bros."**



Les Allen established Allen Bros. Forest Management with his brother Craig in 1975, buying him out in 1983. They moved from the Olympic Peninsula in 1992, settling in Arlington always looking for a better, more efficient, way to operate... working smarter.

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RALPH SHERRILL took over the chain saw filing, "...and is a crucial part of making this machine run," said **Rob Allen**, explaining the chains are consistently sharpened for peak performance, and it's made a distinct difference in quality and production.

Allen Bros.

(Continued from Page 6)

growth stands, to figure out what equipment combinations would work the best both for the land and for production.

The lesson encouraged Allen Bros.'s early entry into mechanized logging, and to this day drives his company's adopting emerging technologies, from innovative equipment, better layouts, and the best use of high-tech to keep operations running at peak performance.

"One of our main keys for success has been to use a feller buncher for many years," said Allen, which started when they were one of the first to purchase a Drott feller buncher with a shear head in 1975. It was a leap in technology and production, particularly with the change in tree diameters in those early years. Since that time they've kept up with changing technologies on their feller bunchers, having gone through some seven different machines in that time, each a marked improvement over its predecessor.

Moving inland

By the late 80s with the Northern spotted owl, and the change in public lands policy change was on the horizon. "I knew there was not enough work on the (Olympic) Peninsula to support all of us," he explained. "There just weren't companies (on the Peninsula) that had enough of their own land that was ready to harvest. We had to make a decision," and started looking for work further inland finding some jobs and commuting to the job for about a year before, "...we got in with the Campbell Group."

Allen's decision wasn't easy, but he felt it was a necessity. "I sensed if we were to pull through this whole thing we had to 'til everyone got their directions." They finally moved operations to Arlington in 1992.

Tower logging

Allen continued the single mechanized shovel side the next several years until the mid-90s. Allen was seeing an obvious need, on the grounds managed by the

Campbell Group. "There was a lot of shovel ground left, but we kept running into mixed stands with tower needs," and could see not only a need but an opportunity. "We knew we had to go that route and had to take care of it."

Allen had worked on towers before, "...when I was younger I worked around the big towers and had run some for my uncle for three years. My dad had yarders too."

In 1995 they purchased a Diamond 210. "It's a 330 hp swing yarder with a 6-speed Funk Transmission (made by John Deere), the transmission all those carriers use overseas," Allen explained.

"We hired good people that had the (tower logging) knowledge as well," he added. "It didn't take too long to get back into things," and being productive though he explained, "... it took maybe a year or two to get back to comfort levels."

Their approach had a difference Allen explained. "No one was swing-

(Continued on Page 8)
See "Allen Bros."

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Allen Bros.

(Continued from Page 7)

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LOGGERS WORLD

ing from shovel to a cable with buncher wood. We had lots of uphill situations where it was better to do that with the yarder rather than with the shovel. The system worked quite well and we've used it ever since."

They've yarded with a motorized carriage from the start, eventually moving to Acme carriages. The Model 28 they run presently is the third Acme they've owned. He's found them to be reliable, tough, and having excellent support.

They've also run electronic chokers a number of years when the situation calls for them, switching to Fortronics electronic bells some four years ago. "When they first appeared we bought a set from Acme," Allen explained then added, "...for

quite a few years we'd just ran a three-man crew because we used the automatic chokers. We use them back and forth (with hand chokers) quite a bit. They paid for themselves in the right circumstances. My crew knows when to use them and when not."

Starting around 2005, they also began using Samson synthetic line as their haywire. "What a difference," Rob Allen explained. "Those guys pack 600-ft. of that and think nothing of it. You can break it, sure, but the splicing is easier," than splicing steel line. They've used Samson for guy lines as well, "...but it's very expensive. "We had one strand as the center guy line and had a wire guy line failure, but the rope (synthetic) held: it pulled the stump! We went back to steel because of costs, but we'd like to (use the Samson) again, because it is a

one person change over on roads."

The Allen's are fourth generation loggers since Jerry Allen had joined the company right out of high school. In 2005 Jerry broke off forming his own construction company and Les asked his younger son, Rob Allen, who had logged right out of high school a few years as well, to come back.

Rob had run the Cat 518 skidder, loaded trucks, etc. right out of high school but "...I had a wish to do something else," which led to his going to college in Port Angeles. It was a two-year program earning an AA, and at the same time completed their flight program, enough credits to enroll at Big Bend Community College in Moses Lake, Washington. There he completed a 2 1/2-year program, from '92-'95 (roughly) and, "...walked out with commercial instrument rating on a single engine plane, plus lots of hours flying, a commercial instrument rating and commercial license." His intent was

"to fly airplanes for a living."

Rob went back to work in the woods running the Cat D5 to pay for college. "I was mostly involved in the yarding, either Cat yarding or setting chokers, stringing roads, going from an enclosed cab to a set of chokers in my hands," he noted, "and wound up doing some hook tending," but he wasn't doing what he'd wanted. "Doing that sort of work I was wiped out at the end of the day. I was doing some flying with another guy's plane, as much time as I could to build the hours of flying (until you can fly people and get paid for it as is required by law). I didn't have the energy to do it and I felt it was slipping away."

A new opportunity

"Then I got an opportunity with Northwest Hardwoods in Arlington," Allen explained, land-

(Continued on Page 11)

See "Allen Bros."



JAY CLOWE is the chaser on Allen Bros. Diamond 210 swing tower side. He's a journeyman of 25 seasons, and joined the crew about six months prior, and lives in Granite Falls.



TIM EDMOND owns Tim K Edmond Trucking, and operates this Kenworth that was hauling for Allen Brothers.

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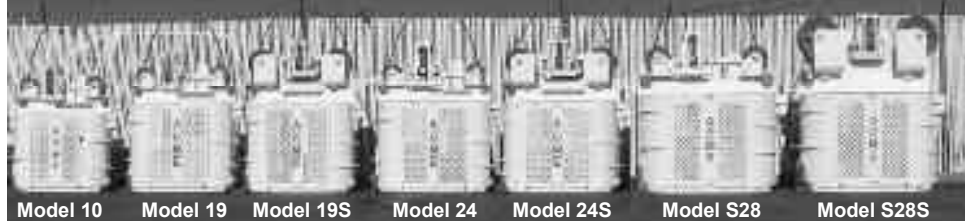
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10 Allen Bros.

(Continued from Page 8)

ing a job there. "I could make money (working swing) and had the time to fly, plus I was eight minutes from home, and they gave me free gloves and boots! I couldn't believe it!"

He started on green chain, but did his best to learn "other stuff" as

chance presented itself. "I saw a lot of opportunity there if you had ambition." Within a year a position came up for millwright. "I applied for it. The maintenance supervisor had hauled logs for dad on the Peninsula, and he recognized my name, knew I had mechanical abilities and he gave me the shot. I hooked onto an experienced millwright and taught me all my weld-

ing, fabrication skills. When you spend hours a day waiting for a break down, you learn stuff!! Four-years later I'm not only a millwright but was teaching others how to run equipment."

Allen also married Kim Deisher in '98. He'd known her in college several years earlier, and they'd gone on a date, but that was it. "Three years later she'd just started

teaching, she'd bought a new home (I didn't know that), and she was talking (at the grocery store in Arlington) about tiling her kitchen," and tiling the floor. "I'd tiled kitchens before (having done that on the side during college) so I put up her tile and we kept talking. We got

(Continued on Page 12)
See "Allen Bros."

LOGGERS WORLD



MIKE TAXTHAL has been the Allen Bros. hook tender almost three years, and has logged a total of six years. "He's a quick learner with a lot of natural ability," said Les Allen.



AN INTERESTING ALIGNMENT of Allen Bros. shovels grouped together. In front is Les Allen on his new Caterpillar 568 shovel powered with their Tier 4 Cat engine, loading the Tim Edmond Kenworth, behind is Rob Allen on the old shovel logger, a John Deere 3554 with a Keto 825 dangle head processor he was running for the vacationing Bruce Sherrill who, and in the back is Larry Allen (Les' youngest brother) who was filling in running the John Deere 2554, working with the tower and decking wood.

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BUILT TO WORK

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APRIL 2012
LOGGERS WORLD

married in '98.

He also became involved in their safety and environmental programs as part of a committee. That expanded into safety auditing of other mills as well, involving a lot of travel, although time for flying was again fading.

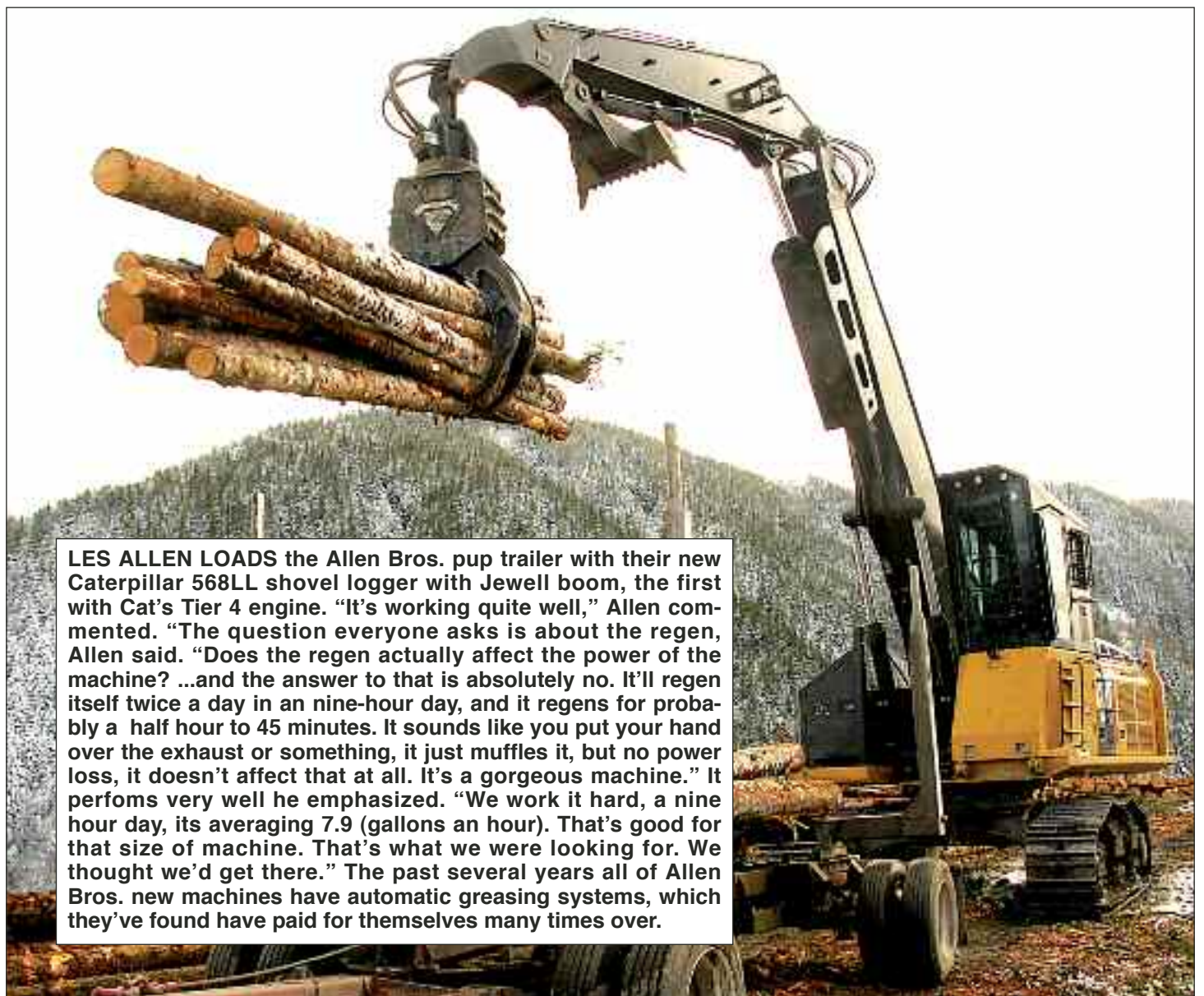
By 2004, "Dad needed someone to move and perhaps transition to take the company eventually. Dad approached me with that business plan. Rob decided to re-enter the logging business. "However, I'd never run loader before," a key link to running the show.

On July 1st of 2004 "I got in the loader and started loading trucks... Dad would load a few trucks and I would as well. After a couple of weeks with dad's help, to get acquainted with the machine and the process," he said. Then Les went back to his shovel logging and maintaining, organizing the trucks, dispatch, loading, etc."

In the next few years, Rob Allen continued to learn and load trucks as well as taking responsibility for the truck hauling side of things.



JEFF LASLEY drives the Allen Brothers mule train, an '09 Peterbilt 367 with Peterson trailer and pup. Both the Allen Bros. trucks are Peterbilts running Peterson Bros. trailers and gear.



LES ALLEN LOADS the Allen Bros. pup trailer with their new Caterpillar 568LL shovel loader with Jewell boom, the first with Cat's Tier 4 engine. "It's working quite well," Allen commented. "The question everyone asks is about the regen, Allen said. "Does the regen actually affect the power of the machine? ...and the answer to that is absolutely no. It'll regen itself twice a day in an nine-hour day, and it regens for probably a half hour to 45 minutes. It sounds like you put your hand over the exhaust or something, it just muffles it, but no power loss, it doesn't affect that at all. It's a gorgeous machine." It performs very well he emphasized. "We work it hard, a nine hour day, its averaging 7.9 (gallons an hour). That's good for that size of machine. That's what we were looking for. We thought we'd get there." The past several years all of Allen Bros. new machines have automatic greasing systems, which they've found have paid for themselves many times over.

"Dad shovel logs and more or less is involved with the yarder, so he goes back and forth between shovel logging and the yarder setup. He can break away and assist them, where I'm with the trucks, sorts, foresters, quality control, loading and sorting."

Innovation through technology

Allen Bros. logs on Hancock Aground, which is ISO certified with ongoing audits, something Rob Allen has a lot of familiarity with through his mill background with audits. "It's been very helpful," he explained, and one reason when au-

(Continued on Page 13)
See "Allen Bros."

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(Continued from Page 12)

dit teams come through they'll stop at the Allen logging sites. "We have a lot of tours."

Rob discovered, early on, a quick and easy way to communicate "with the quality control guys was texting...and it worked! If there's a change or dilemma, I can talk directly with the source and find alternatives and solve the problem during the course of the day."

"Then I started texting with my trucks that way too (depends on their phone of course) and the truckers adopted it as well! I'll still call them at times if there's a lot to cover... but for basics, its just useful and a great tool, and in the last two years, with better phones, its gotten to be a lot easier."

Since he rejoined the company in 2004 they've upgraded machinery a few times, and changed configurations with existing machinery in search of that better approach.

One such change came three years ago in converting the John Deere 3554 shovel logger, taking it out of shovel logging and mounting their year-old Keto 825 dangle head processor. It's a more stable platform and has worked out very well.

When in 2010, after extensive re-

(Continued on Page 18)
See "Allen Bros."



ROB ALLEN processing logs with what is their second Keto 825 dangle head processor which they mounted on their John Deere 3554 shovel with John Deere boom about three years ago. "The heavier carrier's been a huge advantage," Rob Allen said, "and with the riser you have better visibility." Les added, "...it's a heavier machine with lots of swing power. It doesn't matter if you have a bad pile or bad lays, this thing will just jerk it right off." Rob was filling in for Bruce Sherrill who was celebrating his 25th wedding anniversary on vacation.

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GORDON HUGGINS, Diamond 210 swing yarder engineer, brings a turn to the landing on their Acme 28 motorized carriage, which Allen Bros. added to operations in 1995. Huggins has logged since 1980, and joined the crew seven years ago. "I've been running this the past five years now," he said after five years in the brush before. They were hanging out about 1,200 ft on this day. He noted the Diamond was pretty durable. "This has 21,000 hours on it and the motor's never been touched!" Originally from Missouri, he moved to Washington in 1980 and makes his home in Arlington, "right by the shop."



CARLOS FABELA is a choker setter the past four years for Allen Bros., and has logged the past 12 years. "They treat me really nice," said the cheerful Fabela. He makes his home in Marysville.



STEVE TRAPHOFFNER started logging in 2007, "...in the brush the entire time," he said adding, "anything that needs to be done I can do it, but I mostly set chokers." He's been with them the past two months.

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THE DISK is smaller on Quadco's intermittent saw and has smaller teeth than the hot saw Heuther said, "but it cuts a bigger tree," running only when it pivots to make the cut.



RAY HUETHER began logging right out of the service in 1970, then joined Allen Brothers 22 years ago essentially operating feller bunchers since that time as well. The Cat 532 was new in 2010, and they switched from a bar saw to this Quadco 2900 Intermittent saw, with 360 degree rotation, three months later. It's a 7,200 lb. head with a smaller disk that pivots to cut up to a 29-inch tree on a single cut, which has increased production significantly according to Les Allen. "Maintenance wise it's very good," Huether explained, noting the automatic greasing systems on all the Allen Bros. machines helps keep those machines in top running form.



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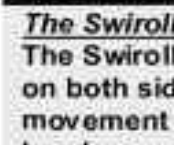
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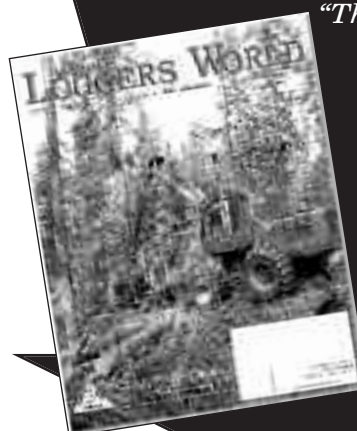
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(Continued from Page 13)

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search, they purchased Cat's 532 feller buncher initially pairing it with their existing bar saw, "... but as we researched it... we thought, is that the future? Hot saws had been out forever, but they're not really the best option for us, because our operator uses the saw to help him position." Then their Quadco rep suggested their Quadco intermittent saw. "It seemed a better option: fewer moving parts, less wear and tear, plus not using as much power walking because it's intermittent." In ad-

dition the head has a 360 rotation, which allows the operator absolute control of the tree. "The intermittent has a smaller disk, and it pivots, hinges out and retracts (during the cut), on and off, but it's really simple," Allen said. "Its improved layouts because he can manipulate the tree it can be positioned exactly with the 360 rotation on the saw. It's made as much difference as anything."

Allen Bros. added the Caterpillar 568 shovel logger, the first with Cat's Tier Four engine, to the mix three months ago. "It's working quite well," said Les Allen. "We always have them tune the cylinders

and everything as we like it. I had them do some of the travel on it a little bit, tweaked the power yet kept it within the parameters of what it should be, but that's all it needed. It woke it up." The question everyone asks is about the regen, Allen said. "Does the regen actually affect the power of the machine? ...and the answer to that is absolutely no. It'll regen itself twice a day in an nine-hour day, and it regens for probably a half hour to 45 minutes. It sounds like you put your hand over the exhaust or something, it just muffles it, but no power loss, it doesn't affect that at all. It's a gorgeous machine."

Fuel consumption: "We work it hard, a nine hour day, its averaging 7.9 (gallons an hour). That's good for that size of machine. That's what we were looking for. We thought we'd get there."

They own two of their own trucks, Rob explained, "...the super train (full length load with a pup), and a mule train for short logs they'd purchased in '09 so they could keep the small log loads moving. Both are Peterbilt's with Pederson Bros. trailers and rigging.

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(Continued on Page 19)
See "Allen Bros."

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(Continued from Page 18)

finding work, has been a joint operation since Rob again joined the company. "When I came in that was a push, so I could see and be involved together looking at jobs, and learning about the cost side, learning about the numbers and about the bidding," Rob said. "Now we'll each take a couple jobs and bid them, look at the numbers, then decide what we wish to do and how we want to do it. He's really involved with me from the start.

The company is owned by Les Allen outright although Rob owns a share of the company, and the long term will include the transition of ownership. "The downturn in the economy has changed the time frame understandably," he said, "which has given me more time to learn as well. It's worked out to benefit the company (in that) we've had more time to make the bigger decisions. We've not drawn up a new time line, and there's no date set. It's working as a slow transition, and I'm keeping him involved as much as I can."

And it's working quite well.



with a smile, that he likes to keep an eye on them.

LARRY ALLEN was filling in running Rob Allen's John Deere 2554 shovel logger with Cat grapple to help out. "I started logging when I was 13 with my dad," he explained, adding he was the youngest of the Allen brothers. "I usually drive truck (for Hermann Brothers), but they (Les and Rob) call every time they need somebody to run the equipment and stuff, and I like to fill in." He then explained quietly,



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W/2008 Logmax 7000XT
2002 Komatsu Pc220LL
W/2005 Waratah 622B
2001 John Deere 270 W/05
Waratah 622B
2001 John Deere 230LL
W/Waratah 622
2001 Hyundai 290 W/Pierce
3348

2000 Kobelco Sk330LL
W/2009 Logmax 12000
1998 Cat 320B W/Waratah 620

FELLER BUNCHERS

2010 John Deere 959K
2009 Tigercat LX830C
2007 Tigercat LX830C
2006 John Deere 953
(2) 2006 Tigercat LX830C
2005 Timbco T-425EXL
2005 Timberjack 950
2004 Timbco T-445EXL
W/Barsaw

EXCAVATORS

2007 Kobelco SK115SRDZ
2005 Link-Belt 330LX
2005 Link-Belt 290LX
1999 Cat 322B Road Builder
1990 Linkbelt 4300C2

SKIDDERS/DOZERS

2008 Cat 517
2005 Cat 527
2001 Cat 517
2000 Cat 517 Grapple/Winch
1998 Cat 527 W/Esco Swing
Boom
1996 Cat D5H Grapple/Winch
1988 Cat D7H
Cat D8K

CHIPPERS/GRINDERS

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MISCELLANEOUS
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2004 Waratah 622
2001 Taylor TLS900 Log
Stacker

1996 Cat 980G W/Forks
Cat 120G Grader
(2) Medford Log Forks
(3) Timbco Barsaws
Quadco 5600
Satco 630 Grapple Saw
D8 Size Brush Rake
Jewell Power Clam
(2) Water Trucks
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Logging, and shooting of hoot owls planned

The U.S. Fish and Wildlife Service released a court-ordered critical habitat proposal for the endangered northern spotted owl that emphasizes "active management" of habitat, which includes logging and shooting the invasive barred owl, or "hoot owl."

The proposal, which preliminarily identifies areas to be included in the final habitat designation, stresses the benefits of excluding any private lands and importance of economic considerations in indentifying suitable habitat, according to a statement from the Department of the Interior.

Reinforcing Interior's own emphasis on excluding as much land as possible from designation, President Barack Obama issued a Presidential Memorandum to Secretary of the Interior Ken Salazar ordering him to pay special attention to the impact on jobs of any plan, and to "give careful consideration to providing the maximum exclusion [of land] from the final revised critical habitat."

In addition, Obama ordered Salazar to break with 30 years of practice and produce an economic impact statement on the proposed rule at the same time the critical habitat designation is made.

The proposal identifies nearly 14 million acres of land in California, Oregon and Washington that meet the definition of critical habitat for

the spotted owl. However the U.S. Fish and Wildlife Service has already proposed to exclude 2.6 million acres of national parks and federal wilderness areas where protections for the spotted owl already exist, and nearly 1 million acres of state and private lands already subject to conservation agreements.

The northern spotted owl was first listed as a threatened species in 1990 and the USFWS designated nearly 7 million acres of federal lands as critical habitat in 1992, effectively ending timber sales from those lands.

A decade of law suits ensued



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and, in 2008, as part of a settlement agreement with timber groups, the USFWS agreed to revise its 1992 critical habitat designation, and published a new recovery plan for the spotted owl.

The habitat revision and recovery plan were in turn challenged in court, and the Inspector General of the Department of the Interior issued a report concluding that "the integrity of the agency decision-making process for the spotted owl recovery plan was potentially jeopardized by improper political influence."

As a result, the USFWS asked the U.S. District Court for the District of Columbia to remand the 2008 plan and designation. In 2010, the D.C. Circuit remanded both. It ordered the service to reissue a proposed plan in nine months and a new critical habitat proposal by Feb. 28, 2012.

The USFWS says it will publish the proposal in the Federal Register in the next two weeks.

- courthousenews.com

Independent contractor: Section 530 Repeal reintroduced

We noted in February that the President's budget included an item calling for the repeal of the Section 530 "safe harbor" for inde-

(Continued on Page 21)
See "Roundup"

PAID ADVERTISEMENT

Hello my friends,
It is I, where are you? Some said as bull headed as I was, shall be like a bull elk crashing thru the brush to find what I am lookin' for.

It is I, who wore No shirt, No gloves, No belt, No suspenders, No hat, No glasses, No limits. Ate rock salt by the handful daily. Prefer to log in winter around 7 degree below zero.

Note of appreciation to those and their families who played a big part in my life. If anything I said or did to you or any of your family members "Please Forgive Me." You may have to go to "BAT" for me. "Warning for some might Have to put on a pair of pants for the first time." I am sorry, for that, yet so very thankful I had a chance to know you in my journey thru my life, for you shall (some see) I finally climbed to the top of the mountain with no desire to come back down!!! :)

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Booboo Win-neerr	Crawfords
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I was told by the main man that to him I was Brush Ape #1 forever!

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Roundup

(Continued from Page 20)

pendent contractor status determination; and then on March 1, Sen. John Kerry (D-Massachusetts) reintroduced his Fair Playing Field Act (S 2145) in the Senate, while Rep. Jim McDermott (D-Washington) reintroduced identical legislation in the House. The bill is almost the same as the identically named bill both legislators introduced in the last Congress and which expired without committee action in either chamber—although in the final days of 2010, the bill's purported \$7 billion in savings to the Treasury had been proposed as a “pay-for” to cover the extended medical needs of first-responders to the 9/11 attacks.

The only difference between the new bill and the old one is a minor provision clarifying criteria for establishing independence of securities brokers-dealers in the financial services industry. Otherwise, it does what the 2010 bill did: repeals the safe harbor, empowers the Internal Revenue Service to issue advisories on worker classification, provides for a transitional period of a few months for any relationship formerly protected by Section 530 (but now judged to be an employment relationship) to come into employment tax compliance, and other provisions, including a requirement for the IRS to provide annual reports on

its enforcement activities.

- *FRA Bulletin*

Enviro forges tree markings to improve view

From the February 18 Rapid City [South Dakota] Journal: “A Black Hills environmentalist who for years had fought U.S. Forest Service timber-cutting projects is facing federal charges for changing marks on trees in a timber sale near his home so that more trees would be cut.” Having mounted court challenges to U.S. Forest Service harvest projects on the Norbeck Wildlife Preserve—through the Friends of the Norbeck and the Native Ecosystems Council—where he lives on an inholding, Brian Brademeyer took matters into his own hands. He decided that if he was going to have to live with timber management, he might as well trick the government into taking out “more than 20 pine trees” that had been marked to stay as “bird trees” but which happened to obstruct his view. He attempted to do so by painting over the Forest Service's orange paint markings with black paint.

He is scheduled to appear in federal court on March 15, to face misdemeanor charges that could potentially get him six months in jail and a \$1,000 fine. Mr. Brademeyer does not exactly contest the charges: “It was probably stupid, but I didn't

think it was a large deal. It was stupid but not criminal.” Although the Forest Service won't comment, a former Forest Service spokesman associated with the region has a few choice words: “We have to look at this action on Brian's part in terms of a lifetime of opposition to forest management projects and cutting trees in the Black Hills. And for him to step in there and mark those trees for his own benefit is disingenuous and self-serving. It's also really sad.” In our view, it's all that and more.

- *FRA Bulletin*

Recreation fees on national forests continue

A recent article that appeared in news outlets around the country misportrayed a recent court decision that has the Forest Service currently reevaluating portions of its recreational fee system.

Visitors to national forests should continue expect to pay the established recreation fees that are currently in place. The U.S. Forest Service has charged user fees since 1965 and, since the mid-1990s, more than 90 percent of those fees have been used for improvements to the areas where the fees have been collected.

The Forest Service began a review of all recreation fees two years ago, and in January made preliminary proposals on their future status. Under these proposals, 26 na-

tional forest areas will still require visitor fees, down from the current 90 areas nationwide. However, no final decision can or will be made until the proposals are reviewed by the local Recreation Resource Advisory Committees, which will be meeting throughout 2012. All Advisory Committee meetings are open to the public and include opportunities for public comment. - *USFS News release*

2011: Virgin fiber displaces recovered fiber

RISI's February International Woodfiber Report makes note of the American Forest & Paper Association's observation that, although 2011's output of paper and paperboard was down 1.8% from 2010's, “preliminary data suggests roundwood and chip consumption for pulp posted a small gain last year of 1%.” RISI points to two possible causes: “an incremental shift away from increasingly expensive recovered fiber” and higher production in the lower-yield specialty pulp lines. Nonetheless, a February 22 news brief from Wood Resources International reports that global prices for wood fiber—softwood and hardwood—declined an average of 3.5% in last year's fourth quarter, compared to the third quarter, following an even steeper decline in global pulp prices.

- *FRA Bulletin*

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APRIL 2012

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Cameras and pictures

I've been told that the trend in magazines is to use less pictures, smaller pictures and more words. We ain't going that way. One of the things that I like about the size of the paper we use in our 'Loggers Magazine' it allows us to use bigger pictures and more of them. Although I don't exactly believe the old saying that 'one picture is worth a thousand words' we do believe in pictures. It is a truth that a picture with no words doesn't explain much or show much while a picture with some words of explanation grows in interest and information. Much easier to show with photography and fewer words that it is to try to build complete word pictures.

Pictures

Everyone who is a serious photographer has a theory he follows in his work. Some go one way and some go other ways. Our philosophy with pictures is that a camera is like a tape recorder. That is, we want to show what is going on at this time and this place. We want to show as much as possible as clearly as possible under the actual working conditions. We very seldom pose a picture or ask anyone to do something specially for photographic purposes. Thus we are recording in pictorial form.

A short time ago we got a letter from a fellow that told us our pictures were rotten, that we are cheating our readers and that we should hire him as our photographer because he could do better. He may be right. He may do much better than we do. He may be the best photographer in the business. But he writes a rotten letter in searching for a job.

Cameras

I have a bad tendency to get into things cheaply as possible. I therefore sometimes waste money and time by buying less than the best. I did this for years with cameras. The lower priced ones took similar pictures to the best ones. Only an expert could tell the difference and then maybe not all the time. Then I found out one of the best things about the best cameras. They are more rugged, more dependable and they last longer. In the long run they are the cheapest ones to use.

So now we have excellent equipment and the best of equipment. We have lots of them. I normally use four 35mm cameras. All good ones and one is built so waterproof it can be used for underwater photography. Then we have three press type cameras that take two by three inch negatives. Most of our work is done with one or more of these three—a little over half.

I detect a tendency for us to use more and more 35mm cameras. The cameras are small, tough, take the best of pictures and are easier to work with. They do force us to work in the darkroom with smaller negatives. One of these days, one of these issues, most if not all of the pictures

will be by the smaller cameras.

I'll bet that is interesting to you?

Seven cameras is what we generally carry on an assignment. One or more will be in the shop or broke down in one way or another. This pushes us back to using five or six. Some of these are only used for special purposes and not used much. Then we have filters, and extra lenses for each camera. Then I pack a lot of extra film of different sizes, speeds, plus some color film. Once in a while I take along the 16mm movie camera. All in all it makes quite a package. All necessary and all used time after time.

Good tools are important for good work. Same goes for our work. If we don't create good pictures it isn't because we don't have the equipment.

The logger

We like to say that we are concerned with what concerns the logger. That is mostly true I think.

Many times we hear the phrase 'the logger' used in strange ways. They talk about he logger as if they were only one person. 'The logger is this way', 'the logger is wasteful', 'the logger is a brute', 'the logger is raping the country' and so on it goes. Well hell that is B.S. There ain't no such animal as 'the logger'.

They come in different sizes, shapes and colors. Some are clean shaven and others sport beards and mustaches. There are dumb loggers, but more smart ones. There are some who will hardly talk and some who never seem to shut up. Some have very little education and others pack a dose of education. There are short ones, tall ones, in-between ones and on and on.

They aren't all of one thing or another. They are a bunch of people. Good people usually. Superior people mostly. They don't always get along with each other. They can't always get along with themselves. Some of the nicest and finest people I know are loggers. So are some of the orneriest.

I worked for one of the orneriest hook-tenders of all times I believe. I felt most sorry for his wife. We had worked a long hard tiring day one time. Worked late and were all bitchy, dirty, tired and hungry. When we were going home the hook-tender said: "Clara better have supper on the table when I get home or I'll fix her wagon." He was quiet for a moment and then added: "And if she has got supper ready I ain't going to eat it."

How are you going to get along with a man like that? He was a logger. Thank God all loggers aren't like him.

ALLEN BROS. FOREST MANAGEMENT harvesting a hillside with a mix of shovel and tower logging. In the foreground is Larry Allen (Les' youngest brother who was filling in) decking with the John Deere 2554. The Diamond 210 swing yarder, with Acme 28 motorized carriage, was changing roads. To the upper left are is Les Allen at the controls of his new Caterpillar 568LL shovel logger, and to the right is Rob Allen processing with their Keto 825 dangle head processor mounted on their John Deere 3554 carrier. As you can see, the snow was still flying in late March.

See "Maintaining the Pace" starting on Page 6

Forest restoration for a new economy

The SmallWood 2012 conference held May 1-3, 2012, in Flagstaff, Arizona, is about finding technical and economical solutions to the everyday challenges in your woody biomass operation.

Wildfires and bug-killed forests are generating enormous quantities of woody biomass from hazardous fuel reduction activities and from salvage operations. These issues are driving the need to create solutions for using low-value and waste wood.

"SmallWood 2012 will supply you with the information needed to adapt to changes and be successful in your business," according to Susan LeVan-Green, U.S. Forest Service Program Manager and Conference Co-Chair.

The conference includes two days of presentations, an exhibition evening, and an optional day of field trips. On May 1-2, speakers will present the incentives of forest restoration; how to pre-treat woody biomass to reduce hauling costs; techniques for harvesting, processing, and manufacturing; new technologies and markets; and generating energy from woody biomass.

In addition, you will hear from successful business owners. For example, Jim Dooley (Forest Concepts) will explain how they are working to increase the value of forest-grown material that has been shredded or chipped. David Old will tell about his family business that produces high quality Douglas Fir flooring from salvaged forest fire timber. Sherry & Glen Barrow (SBS Wood Shavings) will speak about their animal bedding made from pine shavings and other creative products such as furniture and countertops, using wood processed from forest and watershed restoration projects.

At the interactive exhibit evening, you will also have the opportunity to network with these business owners and other presenters or showcase your new product or technology.

On May 3, three tours will be available: One focuses on how to incorporate fire- and beetle-killed timber in homebuilding and niche markets by going to a small bandmill operation that specializes in serving local markets, a home that incorporated fire-killed material, and a forest recently affected by fire. Another tour will visit a woody biomass energy plant that generates enough electricity to power 18,000-20,000 homes. This tour includes forestry equipment demonstrations and processing activities. The third tour will show how the Ecological Restoration Institute (ERI) at Northern Arizona University uses prescribed burning in conjunction with site-specific thinning treatments to restore forests.

"By focusing on our forest resources as well as the forest products industry, we all will begin to understand key interactions and how to build a true forest restora-

tion for a new economy," noted Co-Chair LeVan-Green.

SmallWood 2012 takes place May 1-3, 2012, at the Little America Hotel in Flagstaff, Arizona.

For program agenda/ hotel information, see <http://www.forestprod.org/smallwood/> or call 608-231-1361.

USFS report says North outpacing other parts of the country

U.S. Forest Service scientists today released an assessment that shows forest land has expanded in northern states during the past century despite a 130-percent population jump and relentless environmental threats. At the same time, Forest Service researchers caution that threats to forests in the coming decades could undermine these gains.

According to the Forests of the Northern United States report, forest coverage in the United States has increased by 28 percent across the region that includes Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine.

Forested land currently accounts for 42 percent of the northern land area. Population in the region rose from 52 to 124 million people during the past 100 years, while northern forest coverage expanded from 134 to 172 million acres. Total U.S. forest land remained essentially unchanged during that time.

"While it's heartening to see our northern forests thriving in great times of change, we should also use this report as a reminder to remain vigilant about working together across all lands to make sure these positive trends continue," said U.S. Forest Service Chief Tom Tidwell. "Forests have rebounded over the last century, but there are significant threats that could undo many of the gains. Forest Service research including a study released in 2010, have already indicated this. Our future research will delve more deeply into those threats."

The assessment is the first product of the Northern Forest Futures Project, a cooperative effort of the Forest Service, the Northeastern Area Association of State Foresters and the academic community. The project is examining how trends and choices may impact the landscapes of northern states. Partners in the cooperative hope ultimately the project influences decisions regarding the protection and sustainable management of public and private forests.

Outlined in the report are current conditions, recent trends, opportunities and threats affecting the most densely populated and forested part of the country. This information lays the groundwork for a 50-year outlook on northern forests, which

the Forest Service is expected to release in 2013. - **USFS**

Private property rights victory

Property rights advocates across the country are cheering for the U.S. House of Representatives, which unanimously passed the Private Property Rights Protection Act on a voice vote Tuesday.

The measure, sponsored by Rep. James Sensenbrenner, R-Wis., was part of the furious backlash against the U.S. Supreme Court's wildly unpopular 2005 decision in *Kelo v. City of New London*, which approved taking property from one private citizen and giving it to another for the purpose of "economic development."

Specifically, five of the nine justices voted that it was permissible to take Susette Kelo's little pink bungalow and the homes of her neighbors, and use the ground under them for a multimillion-dollar urban redevelopment project.

Eminent domain condemnations must satisfy the Fifth Amendment's takings clause — "nor shall private property be taken for public use without just compensation."

The Kelo decision muddled the meaning of "public use" by claiming that an urban redevelopment project might produce economic benefits that might be a public purpose that might be a public use.

The Kelo case took a reasonably solid constitutional limit on the power of government and turned it into the legal equivalent of Silly Putty.

Justice Sandra Day O'Connor wrote one of Kelo's four dissenting opinions. Her stinging criticism asked who benefits: "The beneficiaries are likely to be those citizens with disproportionate influence in the political process, including large corporations and real estate development firms."

"As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The founders cannot have intended this perverse result."

Chuck Cushman of the American Land Rights Association reminds us how the Kelo case ended:

"The final irony is that the redeveloper couldn't get financing and gave up. Then the city found themselves with a vacant lot on their hands and gave up. New London finally turned Susette Kelo's house site into a waste dump."

Before 2005 ended, the House of Representatives had denounced the high court's decision by a vote of 365 to 33. Congress sprouted more than a dozen anti-Kelo bills, and legislators in all 50 states had their own versions.

Roger Marzulla, a Reagan-era Justice Department attorney and now one of the nation's leading property rights lawyers, summed up the public sentiment in the title of a 2006 speech, "Does the homeowner have any rights left?"

Sensenbrenner's bill is the latest

attempt to erase the need for that question. The congressman has gathered a remarkable bipartisan coalition around this bill, shown in the semihumorous opening of his floor speech at last Tuesday's vote.

He said, "I deeply appreciate my co-sponsor of this legislation, the gentlewoman from California, Ms. Waters. This is a Sensenbrenner-Waters bill. You will never see another Sensenbrenner-Waters bill, and that is probably one of the best reasons to vote in favor of it."

Maxine Waters, the very liberal California Democrat, remarked in her floor speech that "If Mr. Sensenbrenner is correct, this will be probably the only time that we will come together, but we have been together on this one for a long time."

Waters, a black congresswoman from Los Angeles, sees property rights as civil rights. Now, she has the Private Property Rights Protection Act to help — if the Senate passes it and President Obama signs it.

Take heart. A 1972 Supreme Court case called *Lynch v. Household Finance Corporation* held that "a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other. That rights in property are basic civil rights has long been recognized."

- Washingtonexaminer.com

Examiner Columnist Ron Arnold is executive vice president of the Center for the Defense of Free Enterprise.

President's budget again threatens worker classification

The President's budget proposals for fiscal year 2013 (beginning October 1, 2012), released in February, reiterate the Administration's priority on placing independent contractor relationships under scrutiny. Although budget proposals are not policy, they serve as baselines for the Administration's negotiations with congress over the appropriations process and may invite allied interests in congress to introduce related legislation.

Under the Internal Revenue Service jurisdiction, the Budget again proposes to repeal the Section 530 independent contractor "safe harbor," an action which would permit IRS to establish its version of "guidance" for proper classification and would give it the right to reclassify workers now protected by the safe harbor. The proposal offers to waive penalties (although still to proceed with reclassification) for small companies, or for larger companies it judges to have few workers misclassified. The Administration also proposes to give any independent contractor receiving payments in excess of \$600 during a calendar year from any particular business the right to request that the business withhold a percentage of gross payments, against the contractor's federal income tax, from that contractor's

26 payments. Although it is difficult to conceive why a contractor would request this imposition on his or her cash flow, the provision nonetheless compels all businesses using independent contractors to have a system in place to make such deductions. The intent seems to be to raise the costs of contracting in order to make an employee-based business model more competitive. Another provision would require a contractor to provide to the business a certified Taxpayer Identification Number (“TIN”) and for the business to verify it with the IRS, rather than relying on the simpler and less time-consuming process of relying on the filing of Form W-9.

Under the federal Department of Labor jurisdiction, the Budget proposes funding increases to pursue worker reclassification, both through grants to states and through DOL’s own Wage and Hour Division. The Budget proposal’s “narrative” emphasizes (1) a priority on investigating industries in which independent contracting is just emerging as a business model and (2) moving from a complaint-based system to “directed investigations” of certain targeted sectors (notably janitorial, construction, hotel, and agriculture), although it also mentions funding “outreach” efforts to encourage “worker advocate groups” to report perceived violations.

FRA will work with the Coalition to Preserve Independent Contractor Status to ensure that members of the congressional committees with jurisdiction over these two government functions—tax policy and labor policy—understand the threats that these proposals (particularly Section 530 repeal and a DOL-based reclassification campaign) pose to the right to contract freely—and to economic recovery. - *FRA Bulletin*

Equipment fire suppression video

Timber Equipment Applications Management (TEAM) and the National Timber Harvesting and Transportation Safety Foundation (THATS) have produced a Fire Safety Video focusing on measures logging operations can take to prevent equipment fires in the woods, as well as best practices for suppressing such fires. The 34-minute DVD, available from the Forest Resources Association, includes a concise Discussion Leader’s Guide, designed to enhance learning through group discussion.

A logging contractor can use these materials as a self-tutorial or as the basis of a logging crew training program. They can also serve as a resource for a workshop within a state logger training and education program.

Consisting of three segments, the Fire Safety Video introduces the principles of combustion, reviews the special fire hazards associated with operating equipment in the woods and how to reduce the poten-

tial for equipment fires, and presents best practices in equipment fire suppression. In a workshop setting, depending on the amount of discussion, presenting the complete program should take between 60 and 90 minutes.

“The Timber Harvesting and Transportation Safety Foundation identified harvesting equipment fires as a major exposure for logging operations, placing lives, property, and the forest itself at risk,” commented THATS Chairman Tom Bosley. “We obtained excellent cooperation from equipment manufacturers, insurance company loss control experts, and loggers in producing this in-depth educational program.”

FRA members may order the Fire Safety Video (DVD format) with Guide at \$50 apiece, or \$100 apiece for non-members. A discounted price of \$20 per video (\$40 for non-members) is available for orders of 10 or more. Please enclose payment with order, checks payable to “FRA”. Charge orders may be faxed to 301/838-9481. A faxable order form is available at <http://forestresources.org/pdf/12a2frm.pdf>.

Direct orders to Forest Resources Association Inc., 600 Jefferson Plaza, Suite 350, Rockville, MD 20852, and refer to stock number 12-A-2. The Forest Resources Association Inc. is a nonprofit trade association concerned with the safe, efficient, and sustainable harvest of forest products and their transport from woods to mill. FRA represents wood consumers, independent logging contractors, and wood dealers, as well as businesses providing products and services to the forest resource-based industries.

- *FRA News Release*

AP sees youthful environmental apathy

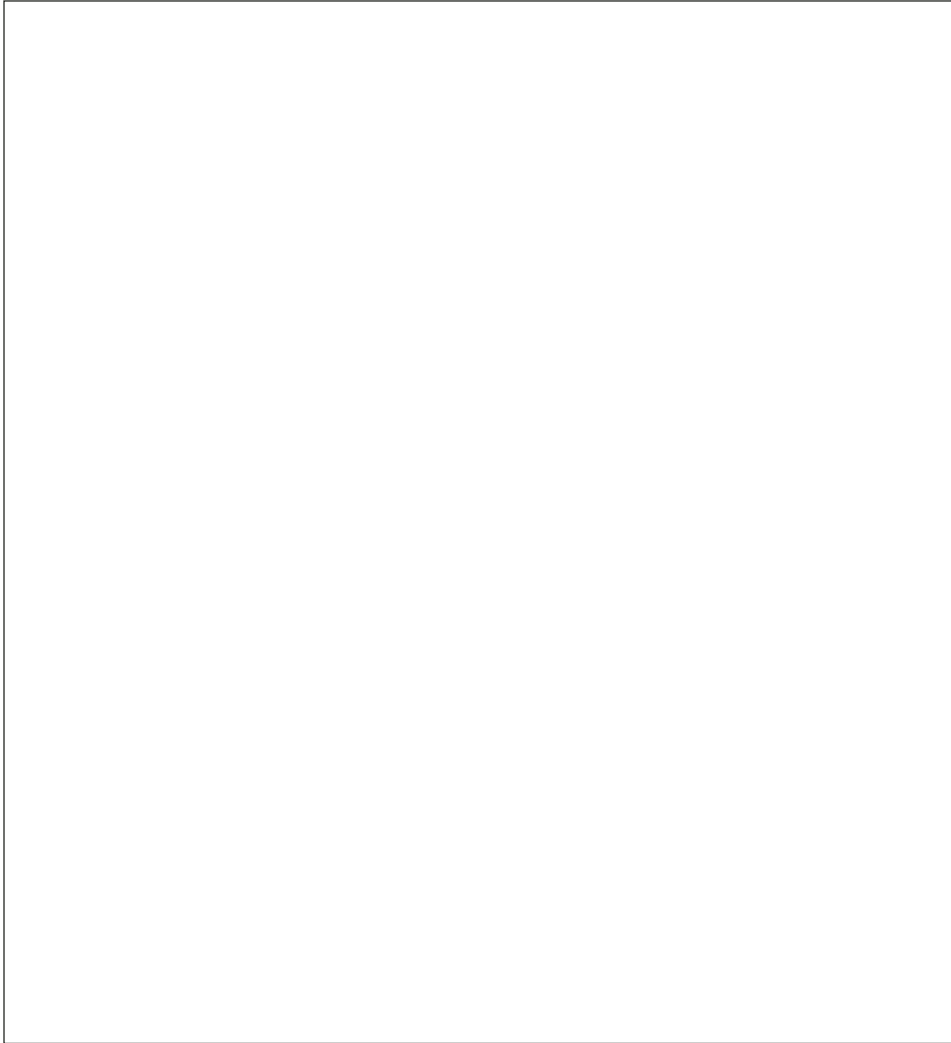
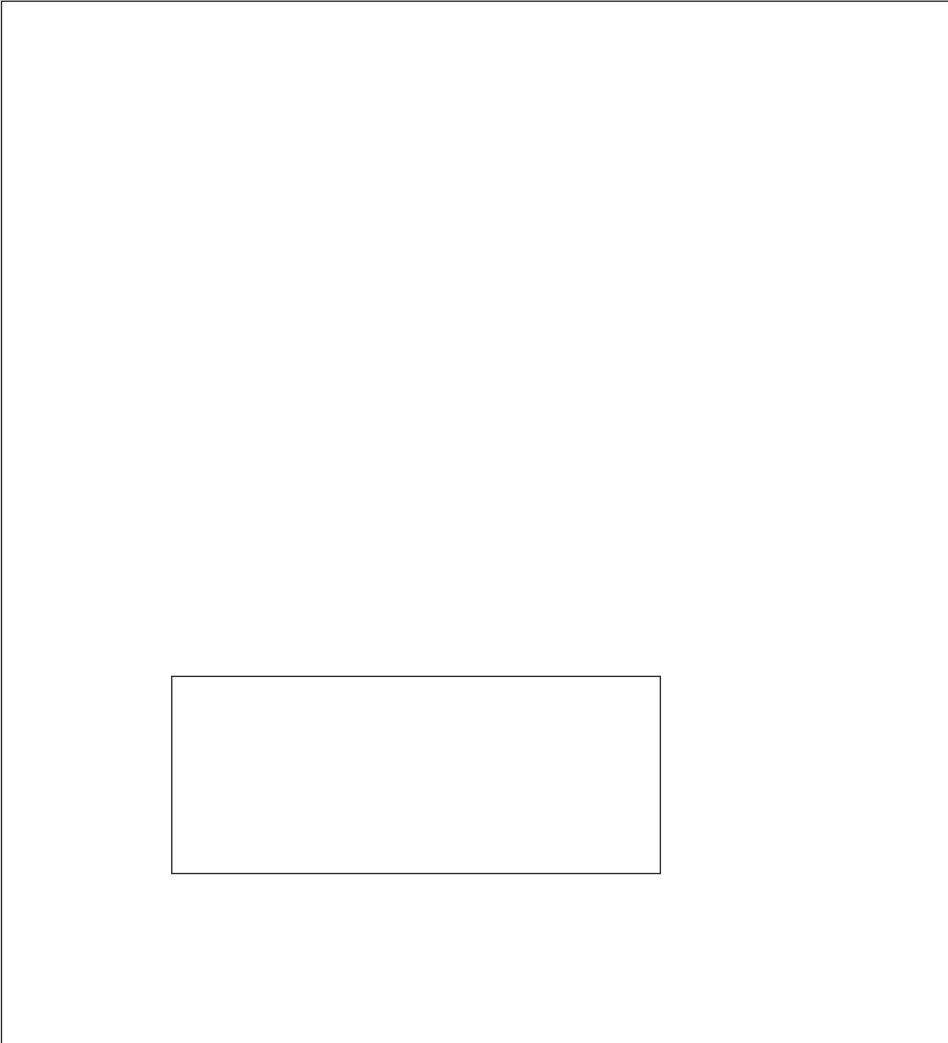
An Associated Press story filed March 15 and since circulated in various media finds “today’s young Americans are less interested in the environment and in conserving resources-and often less civic-minded overall-than their elders were when they were young.” The reference is to a study published by a San Diego State University psychology professor in the Journal of Personality and Social Psychology, which concluded that over the past 40 years, “young people’s trust in others, their interest in government and the time they said they spent thinking about social problems” has declined and that “steepest of all was a steady decline in concern about the environment, and taking personal action to save it.”

Judging from study author Jean Twenge’s commentary, and that of the virtuously exceptional young people the APstory quotes, the “problem” is substantially one of baseline definitions. An increase in “skepticism—or confusion—about climate change” need not mean that young people are “worn out,” as an environmental science professor suggests, but that they have con-

cluded, as others have, that the “climate change” case is too weak to spend time on; that available evidence does not suggest that the extractive industries are threatening the “natural beauty” of the Pacific Northwest; and that the ranks of true believers don’t make strong appeals to new converts on the score of either convincing evidence or mental attitude. “Our generation seems fairly narcissistic-and we seem to have the shortest attention span,” comments Emily Stokes, age 20, while 20-year-old Kelly Benoit calls her age group “lazy.”

Dr. Twenge, herself, hopes “that young people see these findings as a challenge rather than a criticism” but pessimistically concludes, “This is a change in overall culture, and young people reflect the changes in culture.” - *FRA Bulletin*

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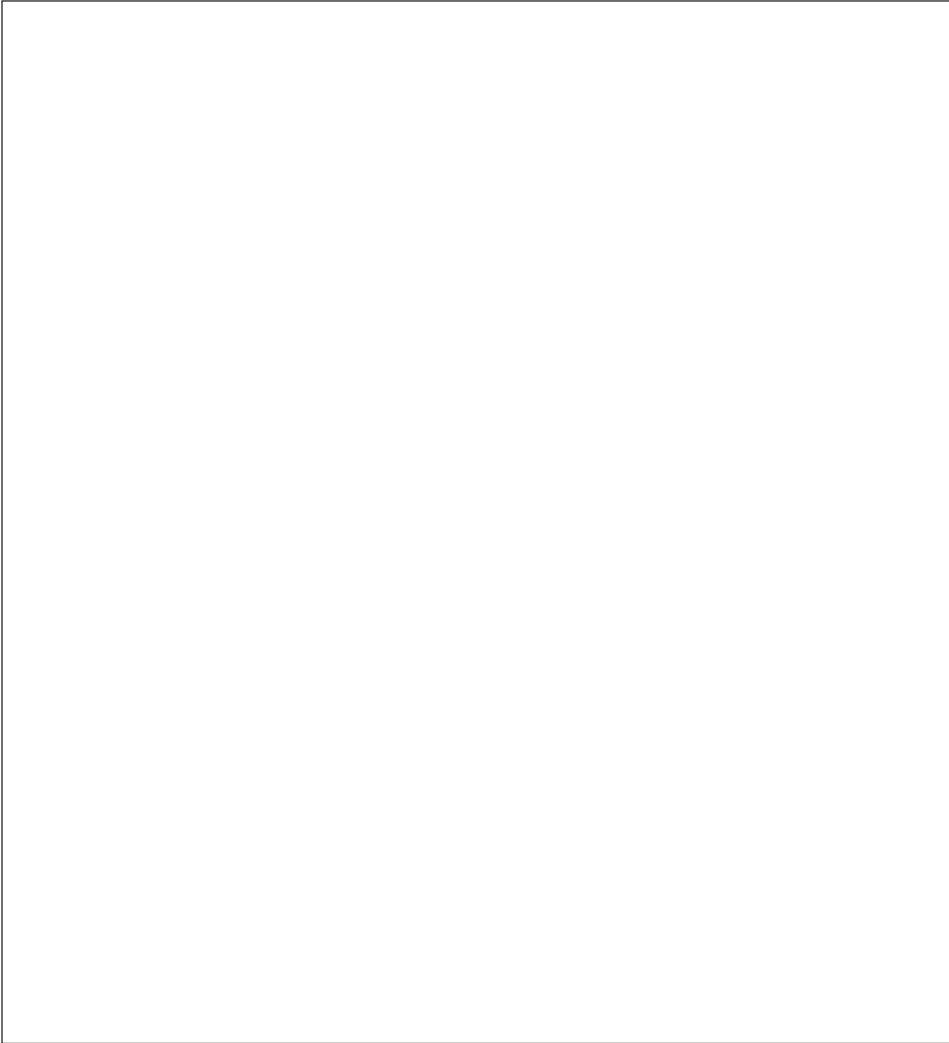
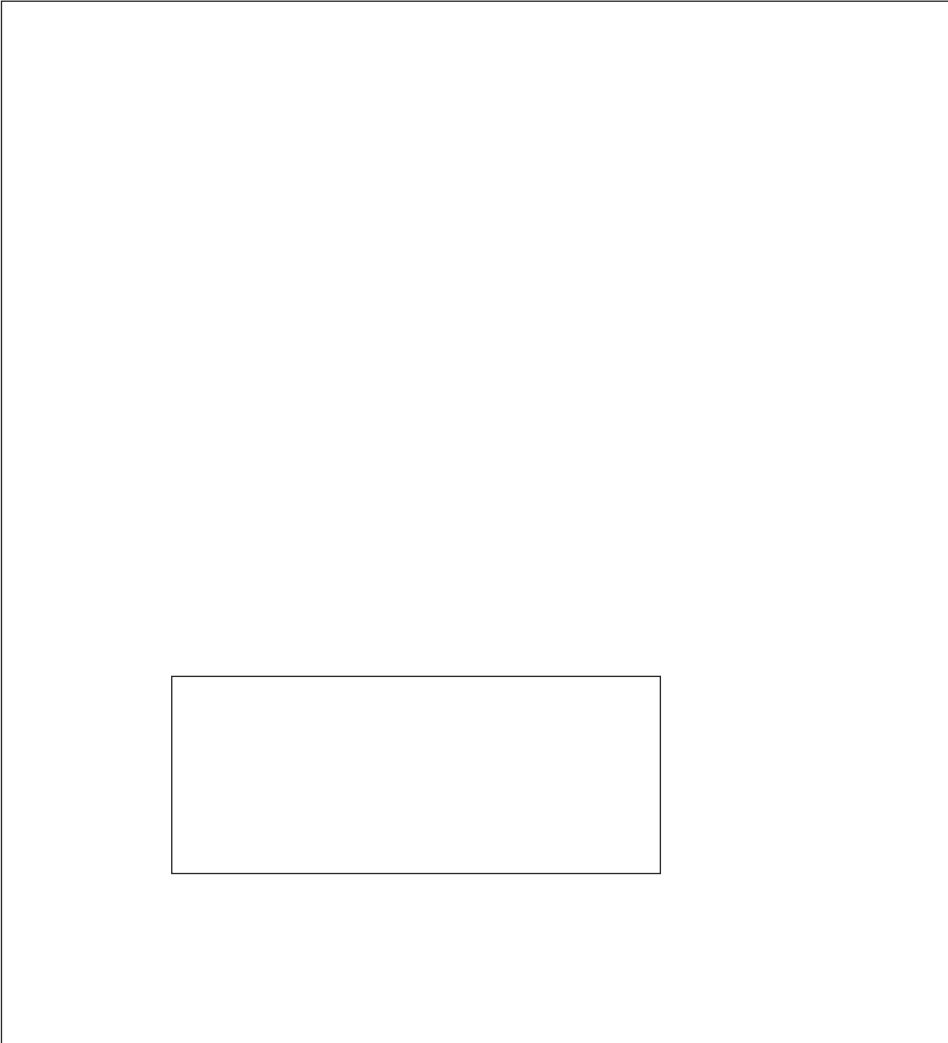
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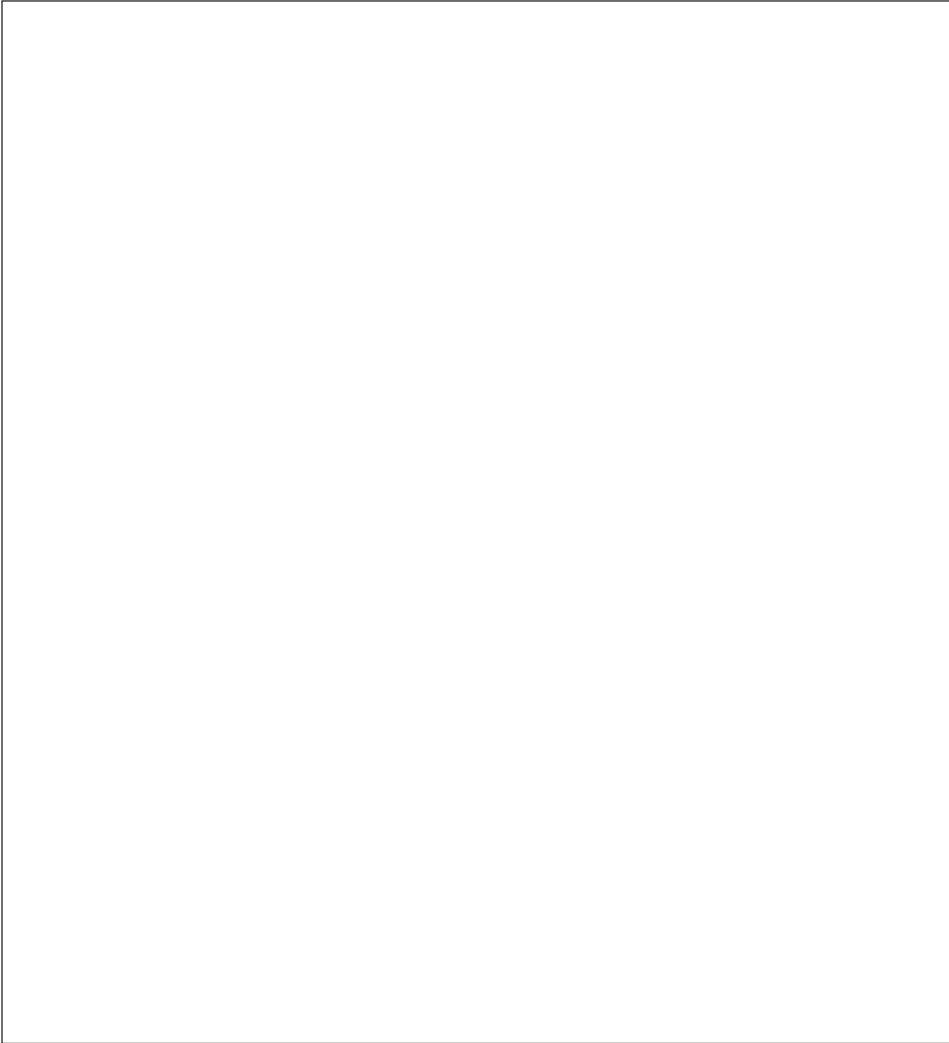
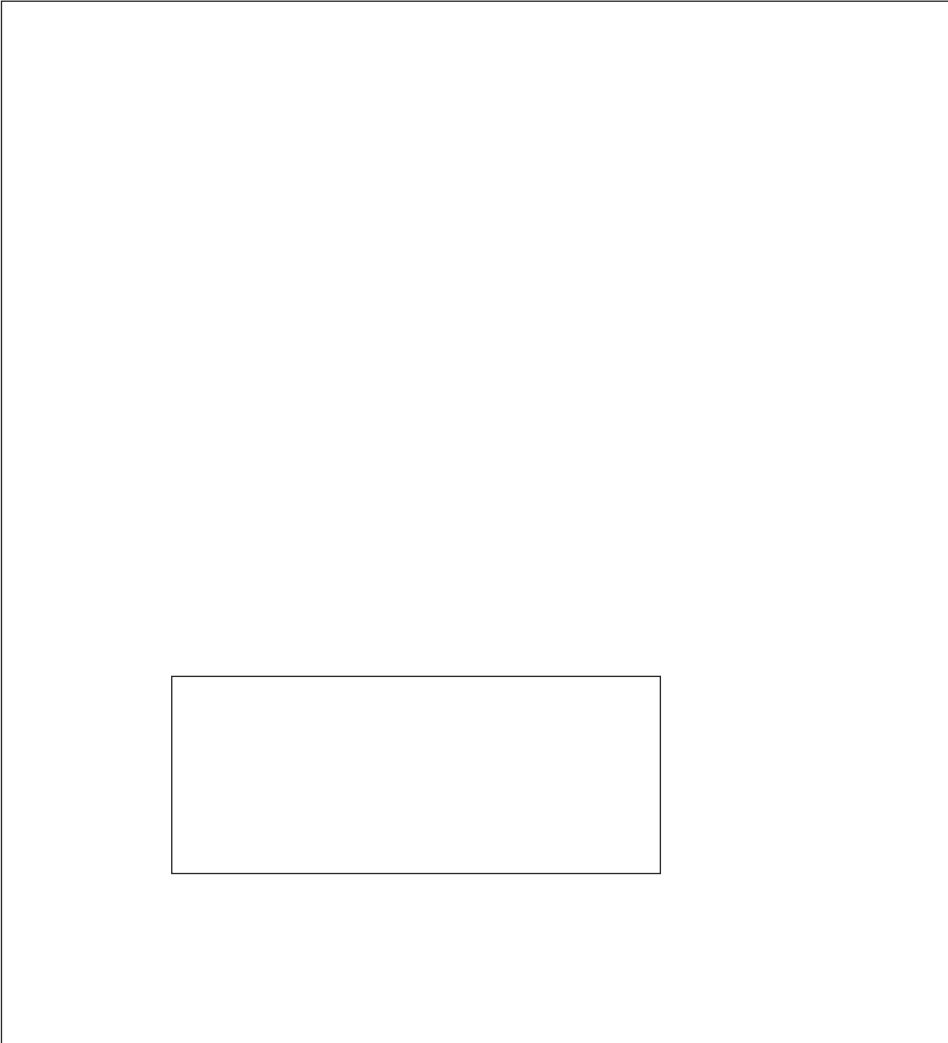
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