



# TIMBER TALK

*Your Voice for South Carolina Timber Harvesting*

March/April 2012

## SCTPA & ALC CHARGE "THE HILL"

SCTPA's Chairman Danny McKittrick, Vice Chairman Billy McKinney, former Chairman and board member Tommy Barnes, President Crad Jaynes and CAT Forest Products Chip Burroughs charged The Hill in Washington, DC March 20 and 21 to meet our South Carolina U.S. House members, Senators and staffers to promote the issues for the timber harvesting industry. Along with our contingent was a host of American Loggers Council member states to meet with their representatives, federal agencies and pertinent committee members.

Chip was making his first visit to DC and living in SC fell right in with our group. And I think he was quite surprised, added great comments and learned a great deal.

It was one of the best visits we have had as the cherry blossoms were in full bloom, early of course due to the warm weather, and the city and view was spectacular. It was also one of the busiest times we have seen. The Hill was buzzing with throngs of visitors promoting their agendas. And as we heard, looking for a piece of the "money pie."

ALC Executive Director Danny Dructor provided a briefing on the issues to be presented from a national perspective. Bill Imbergamo, Executive Director Federal Forest Resource Coalition, Michael McAdams President of Advanced Biofuels Association and Florida Congressman Steve Sutherland, whose brother is a professional logger, made presentations. Then it was off to storm The Hill.

Unfortunately we did not get to

meet with any of our SC Senators or House members, but had great meetings with the staffers. And as I have said before, the staffers are integral components of the process to reach the representatives with issues.

One of the comments we heard in our meetings, "this place is broke (fiscally) and broke in the political process to get things done." Another was, "it's election year and there's not gong to a whole lot accomplished."



Wow... this is the system we live with. Makes you go ... HUM!

Our opening tag line for each meeting was ... "We are not here to ask for one penny, we are here seeking support for our issues." And the response was, "Wow, let's talk."

A folder was given at each meeting containing the SCTPA cover letter, ALC Position Statements, issue articles, association stickers and honorary SCTPA member certificate for each representative along with an association calculator for the staffers.

The discussions were great as all the staffers were up to date with most of the issues particularly the Ninth Circuit Ruling on Forest Roads Permitting as well as the other issues. We

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are fortunate all but one of the House member staffers have remained in tact so we were meeting with the same folks SCTPA stays in contact with.

Overall we were pleased with the meetings and the responses for support. But it is DC and "that place" works differently than the rest of our nation. But it's our political process with all the partisan and bi-partisan political posturing that may or may not be to everyone's liking or best interests, but it's our system, our country and whether you believe it or not, still is the best out there. A little broke right now, but it does work.

As ALC board member Richard Schwab, Southeastern Wood Producers Association, said, "We elect these people and if they are not doing the job, then vote them out." Makes a good point.

Below is the cover letter presented in the SCTPA information folder. The ALC Position Statements were published in the previous January/February *Timber Talk* issue if you want to refer back to them.

\*\*\*\*\*

March 22, 2012

Dear Senator (Or Congressman),

On behalf of the professionals harvesting, producing and transporting South Carolina's sustainable and renewable forest resources, we appreciate your service to the Palmetto State in Washington, DC.

South Carolina's forest products industry ranks as the Number One manufacturing segment of our state's economy with an economic impact of \$17.5 billion annually. Timber is our state's Number One cash crop at \$870 million annually. Forest products exports are \$1 billion annually.

Our forest industry ranks first in employment including our professional timber harvesting, supplying and trucking businesses with a payroll over \$2 billion and over 40,000 employed workers.

Our nation and state's forest products industries compete in the global marketplace. Our economies of scale within our own segment of professional timber harvesting, supplying and trucking have witnessed changes in our markets. The economic downturn over the past years has taken its toll on timber harvesting businesses and our rural communities supported by the forestry industry.

As our pulp and paper and even solid wood products industries continue to endure these economic hard times, the forest products industry, timber harvesters and timber suppliers face major challenges to merely survive.

As our industry faces the current economic woes caused by solid wood products markets reducing wood consumption due to decreased building and housing

starts, the financial crisis and new financial regulations, higher and higher fuel costs, overall downturn in wood using markets, this has created tighter wood markets and a continued economic crunch that is still creating issues for mere survival in the timber harvesting industry.



This economic crisis has many of our professional loggers, wood suppliers and timber truckers in severe financial stress. This industry continues to be at the mercy of the economic strangle hold that now grips us.

The challenges faced now not only impact the timber harvesting and supply segments, but also impact solid wood products, pulp and paper products manufacturing and timberland owners.

Professional loggers are having to operate older harvesting machines and haul trucks due to the revised financial requirements that are now prohibitive in allowing professional loggers to purchase and finance newer machines for increased productivity, efficiency and economics.

Alternative market for the utilization of wood and woody biomass for the production of renewable energy, bio-fuels and other bio-related products is desperately needed and would improve availability of wood markets. This alternative market not only helps the timber supply and timber harvesting segments, but also helps forest landowners.

As our nation attempts to reduce our dependence on foreign oil resources, we see an opportunity for our industry to continue to have markets for harvested timber as well as woody biomass from harvesting residuals and even non-merchantable roundwood. We have the available resources from our sustainable and renewable forests. But additional support from Washington, DC is needed to help spur these markets.

Technology is becoming available to utilize woody biomass for the processes to convert woody material to various products. These processes are environmentally safe, efficient, "green in nature," improve our air and climate, sequester carbon, create jobs and are good for the utilization of our sustainable and renewable forest resources.

However, much is needed via support for increased funding from Washington to increase the incentives for current and potential users of woody biomass to create these alternative markets in South Carolina.

Likewise it is "imperative" the United States Congress pass Renewable Energy Policies that include wood and woody biomass within the definition of Renewable Biomass. Without wood and woody biomass being included, there is little to no incentive for any woody biomass markets to develop in South Carolina.

Issues to be addressed and supported for sustaining the timber harvesting and forest products industry in South Carolina as well as nationally are;

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- Support a Broader Definition of Renewable Biomass in House Resolution 6 to include woody biomass from private and public land ownerships for the production of renewable energy, bio-fuels and other bio-products; improving air quality; sequestering carbon; improving economic vitality of rural communities through increased employment; providing incentives for new woody biomass utilizing markets; reducing our dependence on foreign oil resources; and promoting sustainable economic growth. *Position Paper Included.*
  - Support legislation that provides incentives for research, development, installation, implementation and expansion of woody biomass markets for the production of renewable energy and woody biomass based products.  
Support legislation to allow State Legal Gross Vehicle Weights to be trucked on the Interstate Systems **within** each state to improve highway safety, transportation logistics, reduce costs, improve motorists and truckers safety and reduce truck loads on rural and state highways by amending the United States Code, Title 23, Chapter 1, Subchapter I, Section 127(a) by adding the following paragraph:  
“Individual State weight limitations and tolerances for agricultural (including forest) commodities that are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.” *Position Paper Included.*
  - Support USDA Forest Service Appropriations for FY 2013 budget to continue full funding for the USDA Forest Service Timber Products line item and support a target volume of 3 billion board feet of saw log volume to be offered from the US Forest Service in 2012, with ramping up of volume to 4 billion feet in the 2013 budget for timber products. Oppose using an “acres treated” accountability approach that would lead to fewer mechanical treatments such as thinning / harvesting projects. Active management utilizing mechanical treatments will address of our national forests health crisis, produce saw log material for existing forest industries supporting rural communities, increase and sustain employment opportunities thus improving local economies and improve the utilization of woody biomass for renewable energy generation. *Position Paper Included.*
  - Oppose legislation attempting to limit woody biomass utilization by competing markets so as to encourage an open market system for all woody products harvested from our renewable and sustainable forests.
  - Support legislation to reduce the amount of over burdensome regulatory authority exerted on businesses from the EPA and other federal agencies that discourage economic recovery and growth for the nation. Support the **reversal** of the 9<sup>th</sup> Circuit’s Ruling that runoff from logging and forest roads is point source pollution requiring a permit under the National Pollution Discharge System (NPDES) after the industry has been exempt for over thirty years. *Position Paper Included.*
  - Support legislative initiatives to provide funding to counties containing U.S. National Forests that reinstates an active, predictable and sustainable forest management program for federal forestlands that would generate revenue sufficient to replace the direct federal cash subsidy that ended last year. Counties in South Carolina containing the Francis Marion and Sumter National Forests lands are hurting financially due to the termination of the Secure Rural Schools and Community Self-Determination Act September 30, 2011.
  - Support H.R. 4019, introduced by Congressman Doc Hastings, the Federal Forests County Revenue, Schools and Jobs Act of 2012 and the legislative discussion draft introduced by Congressmen Walden, DeFazio and Schrader called the O & C Trust, Conservation and Jobs Act. *Position Paper Included.*
  - Support extending the agricultural exemption, now enjoyed by farmers and ranchers, to mechanical timber harvesting businesses to allow for the training of sixteen to eighteen year old sons and daughters to carry on the family logging businesses. *Position Paper Included.*
  - Support extending permanently the One-Year Protocol for Surveys of the Northern Spotted Owl in California and Other Western States. *Position Paper Included.*
  - Support legislation providing financial regulatory relief and incentives for professional timber harvesters to invest in improved timber harvesting equipment and woody biomass harvesting and processing equipment.  
Support legislation to reduce the tax burdens placed on small businesses to help stimulate economic recovery and growth.
- On behalf of South Carolina’s professional loggers, timber producers and unmanufactured forest products truckers, please support legislation to sustain our healthy forests, provide new alternative markets for wood and woody biomass and sustain our entire forest products industry so it does not follow the course taken by the textile industry that moved off shore and has virtually faded away.

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Our wood supply chain consisting of landowners, loggers and wood consumers need a viable industry to sustain and create jobs, improve economies, create emerging industries, compete in the global marketplace and sustain our healthy, sustainable and renewable forest resources.

Again, thank you for your service and support of our state and nation's professional timber harvesting and forest products industries.

Sincerely,

Crad Jaynes  
President & CEO

*Be sure to check out our D.C. photos on page 36 & 37.*



## AMERICAN LOGGERS COUNCIL

### Quarterly Report to the States January 1 – March 30, 2012

The ALC Board of Directors has requested that a quarterly report be generated from the ALC office, highlighting the events and activities of the American Loggers Council. Our hopes are that you will use these reports to inform your members on how the American Loggers Council is working on their behalf to benefit the timber harvesting industry.

#### **Executive Committee**

The Executive Committee has met on two separate conference calls in both January and February.

The first call held on in January reviewed the minutes from the December 6, 2011 teleconference, the Treasurer's report dated December 31, 2011, and then went into committee reports, including the Legislative Committee, Transportation Committee, Communications Committee and Membership Committee.

The second call, held on in February reviewed the minutes from the January 10, 2012, the Treasurer's report dated January 31, 2012 and heard committee reports from the Legislative Committee, Communications Committee, and Membership Committee.

#### **Legislative Committee**

The legislative committee met on two separate conference calls and identified the key issues that the ALC would be working on during the Spring Fly-In/Board of Directors meeting in Washington, D.C. Assignments were given to review the current position statements and revise as needed. All position papers were electroni-

cally distributed to both the Board members and the Association Executives prior to the Fly-In. The ALC continues to participate in weekly conference calls dealing with the Forest Roads and NPDES permit issue.

The ALC Fly-In held on March 22-23 in Washington, DC resulted in 103 visits to members of Congress as well as 5 Committee visits and two agency visits, including a meeting with the Chief of the U.S. Forest Service.

The top priority for ALC members at this year's DC meetings was the pending Silviculture Regulatory Consistency Act, H.R. 2541 in the House and S. 1369 in the Senate, and all members were focused on this issue. Other issues that were of importance included truck weights on the interstate, US Forest Service appropriations, payments to counties and schools, youth careers in logging, defining renewable biomass, and the spotted owl survey protocol.

The ALC has been working with several Congressional offices feeding them information for questions asked during hearings on forest health and public lands issues.

#### **Transportation Committee**

The ALC transportation committee continues to monitor the actions pertaining to the Surface Transportation and Reauthorization Act. In House Committee mark-up, the House pulled the language proposing a 97,000 # weight limit on the Federal Interstate Highway System and replaced it with a three year study as to the impact of heavier weights on the existing infrastructure. The Senate passed its version of the Highway Bill, but it is expected that it will meet resistance in the House. Attached to the Senate Bill was an additional appropriations of 1.4 Billion for the Land and Water Conservation Fund (LWCF) and extension language for payments to Counties and Schools in lieu of Timber Sale receipts from the US Forest Service. The committee plans on holding conference calls beginning in April to discuss options for the ALC truck weight proposal in the pending Transportation Bill.

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## **Communications Committee**

The Communications committee has been holding conference calls to discuss ALC communications and the 2011 annual report.

There have been monthly "As We See It" columns produced in January, February and March that have been authored by Danny Dructor, Jim Geisinger and Bill Jones.

The ALC web site has gone public, and some small corrections are being made as needed. The ALC store is being worked on and we hope to have that up and running in the very near future. We continue to work on obtaining videos to place in the video section of the home page of the site, as well as working out some technical issues that we are having with displaying the videos.

The 2011 Annual report has been completed and was distributed at the Spring Board of Directors meeting and copies are being sent to State Association Executives, Independent Logger Members, and Sponsors. John Deere provided in-kind support for the layout and printing of the document.

The ALC and Facebook and Twitter pages are active and are being updated with timely information.

## **Membership Committee**

The membership committee continues to hold monthly conference calls as work continues on its projects.

The sponsorship drive has reached 85% of its target for 2012 with commitments totaling \$106,000 out of a \$125,000 target. The budget required a minimum of \$80,000 in sponsorships for 2012.

A membership survey was sent out to all State and Regional association in January with a deadline of responding back to the ALC office by May 1, 2012. To date, there have been a total of 7 responses to the survey. During the Spring Board meeting, the responses that have come in to that date were reviewed. The committee hopes to have a discussion during the Summer Board of Directors meeting on the creation of an equitable dues structure to sustainably fund the organization.

## **Biomass Committee**

There has not been any action or report from this committee during the 1<sup>st</sup> quarter.. The ALC will remain engaged on energy policies in Washington as they emerge (i.e. Farm Bill). During the Spring Board meeting,

it was decided that the Biomass Committee would be holding conference calls as needed.

## **Master Logger Certification Committee**

There has not been any action or report from this committee during the 1<sup>st</sup> quarter. The ALC will continue to promote the MLC© program as well as continue to work with the Sustainable Forestry Board in a Resources Committee member capacity.

## **Wood Supply Research Institute**

ALC members and allied logging businesses worked with Don Taylor over the first quarter to help Don complete his study on mill/supplier relations. The final report will be rolled out during the WSRI annual meeting on April 18<sup>th</sup>.

## **Travel**

Travel in the 1<sup>st</sup> Quarter of 2012 involved a trip in January to South Carolina to meet with Carlton Owen with the U.S. Endowment for Forests and Communities to discuss the possibility of a logger check-off program, as well as attend the South Carolina Timber Producers Association meeting. ALC President Steve Sherich was in attendance as well.

Danny Dructor and Travis Taylor traveled to LaGrange, Georgia in January to meet with Caterpillar representatives John Carpenter, Mike Duncan and Joe Allen to discuss Sponsorship commitments for 2012 from Caterpillar. During that meeting, Mike Duncan agreed to serve on the ALC Legislative Committee.

In March, Danny traveled to DC to attend/coordinate the Spring ALC Fly-In and Board of Directors meeting, as well as visit Congressional Delegates and Committee staff to discuss ALC issues. At the briefing in Washington, he brought in Bill Imbergamo with the Federal Forest Resource Coalition, Mike McAdams with the Advanced Biofuels Association, and Congressman Steve Southerland (R-FL).

## **Washington Resource**

During the Spring Board of Directors meeting, the Board of Directors voted to retain the services of Washington Resource as an aid to feed the organization more timely information on the issues that are ongoing in Washington, D.C. Frank Stewart, principal with Washington Resource, gave a brief presentation on some of the services that he could provide to the American Loggers Council.

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## **Forestry Research Advisory Council**

The Forestry Research Advisory Committee will hold its first meeting in Washington, D.C. in June, which ALC Executive Vice President Danny Dructor is a member and will attend.

## **National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule**

The ALC and some of its member organizations submitted letters of recommendation to have Jim Geisinger serve on the Committee. Nominations are now closed and the decision as to who will serve on that Advisory Committee will be made in May.

## **Corporate**

The ALC has filed IRS Form 990 for the 2011 tax year as well as updated their State Report for the non-profit corporation chartered in the State of Montana.

## **SC TOP PROGRAM 2012 REVISION**

This year will bring a new look to the SC Timber Operations Professional (TOP) Program originally created in 1994. The program assists loggers and Sustainable Forestry Initiative (SFI) certified companies to provide essential training to address environmental issues. Based on feedback from SFI TOP Trained individuals and other factors, the SCFA TOP Task Force has decided to revise the training requirements and program administration. Additionally, SC Timber Producers Association members have worked closely in formulating the changes and endorse the improved revision.

Details are being finalized to make the program requirements simplified and easy to understand. New logger training topics required by the SFI 2010-2014 Standard will be incorporated into this revision. Basic requirements for the newly revised TOP program include the following elements.

- In order to be eligible to migrate to the new training system you must be a current TOP trained individual on June 30, 2012. This means expired TOP individuals in 2011 must complete and submit to SCFA all training hours needed under the current system by June 30<sup>th</sup>.
- All participants will have a common annual expiration date of June 30<sup>th</sup>. The first expiration date for all current TOP SFI Trained individuals is June 30, 2013.

- All participants will be required to view a SCFA TOP Task Force produced training DVD annually. Viewing sessions will be offered and coordinated by approved facilitators.
- All participants will pay an \$80 annual fee to maintain current TOP SFI Trained status. The SC TOP Task Force will use fees to pay for DVD production costs and various program administrative expenses.
- After implementation, any TOP SFI Trained individual that does not view the training DVD and pay their \$80 annual fee by the June 30<sup>th</sup> expiration date must complete the 3-Day TOP class and pay the fee to reinstate their TOP SFI Trained status.
- Implementation will begin July 1, 2012.

The SCFA TOP Task Force and SC Timber Producers Association are confident you will be pleased with this new revision and the advantages it will offer in meeting everyone's needs. Further information can be found on the SCFA website [www.scforestry.org](http://www.scforestry.org) by clicking **Logger Training** on the **SCFA Programs** page. You may check your TOP SFI Trained status by clicking the **SFI Trained Individuals list** on this page. For more information, contact Sally Tucker at 803-798-4170 or [sally@scforestry.org](mailto:sally@scforestry.org).

The forestry community relies heavily on TOP SFI Trained loggers and other forestry professionals to accomplish the great work they do in the woods every day. These changes will make TOP training easier to accomplish and more relevant to the issues facing our forestry community. Thank you for your understanding and support in this transition.



APRIL 2012

### Making a Difference

By Bob Luoto



**O**n February 16, 2012, 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 cer-

tainly 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 overwhelming 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.

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2770

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Remember to vote this November 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!

**MAY 2012**

## **Loggers in Washington**

Miles Anderson



There is a feeling of comfort for people working in a natural resource industry that is derived from being outdoors and distant from the urban chaos that rules many of our lives today. In spite of some of us being out of our comfort zone, the American Loggers Council (ALC) Board of Directors once again made its annual trip to Washington DC. Although feeling slightly out of place on initial trips to the Hill, it soon became apparent that Congressional members and staff rarely get the unique opportunity to hear our concerns and passions expressed personally on our way of life and our livelihoods.

A trip to Washington, D.C. is as amazing and fulfilling as it is frustrating. Building relationships with Representatives or their staff (which seems more productive at times) gets you involved with the process that impacts your daily life and ability to provide a livelihood for your family and employees. Some we met with gave the appearance of being interested; while others are truly concerned with the direction we are headed. Some even shared information that left you asking why, how, or can they be serious? One staff member we met with spoke about Congress being very inactive, yet we have seen a lot of activity coming out of this administration, basically leaving discussion and openness out of due process.

One thing was very clear at our meetings this year at the Capitol -- everything there is at a stand still. Both sides of the aisle have agreed to disagree on pretty much everything, which is

to be expected when control is split in an election year. The positive is that we should not see a bunch of new legislation coming out that could add more layers or rules and regulations. The lack of meaningful accomplishment seems to prevail in Washington.

There is still the issue of dealing with the quagmire of rules Congress has already handed down that should warrant both their and our attention. Many had hoped the large class of freshman elected to Congress last year would create some positive change, but are finding that "change" is loosely defined these days.

I encourage everyone to contact their local representatives, state legislators and congressional representatives and use any other available venue to make your issues heard. It is our duty as citizens to be a part of the process as pointed out by a fellow logger and passionate ALC Board member Richard Schwab from Florida when he stated, "After all, we hire the representatives and if they are not doing their job we should fire them and hire someone who will." While some would applaud sending Congress home until after the election due to inaction, we would all be better off to re-read the constitution and consider how it has guided us to this point and start adhering to it. A quick read of the United States Constitution would demonstrate how our founding fathers talked almost as much about impeachment as they did legislative duties.

The American Loggers Council delegation accomplished 30 Senate office visits and 73 House office visits over a two-day period. During the trip, the group also had small groups meet with Forest Service Chief Tom Tidwell, DOT/FMSCA, the House Interior Appropriations Subcommittee, the House Committee on Natural Resources and other Senate and House Committees important to our issues. ALC members had State specific issues that they conveyed to their representatives while everyone at **all** meetings carried the **national** issues brought forward by the ALC. One thing that became very clear from our meetings on the Hill was that Congress and the Administration have seemingly run out of options for funding rural parts of America dependent on and surrounded by a paralyzed Forest Service. Schools and Communities in the West are about to lose their income from the general fund that was a replacement for revenue from timber sales lost to environmental policies, lawsuits and management decisions that shut down the For-

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est Service. When the Forest Service's ability to harvest timber and extract other resources ground to a halt, so was their ability to help fund those communities whose tax base contains large allotments of federal land ownership.

With appropriations for this year tied to a stalled Transportation Bill, I hope that schools and communities come together with the logging industry to move forward to promote a green, sustainable future that involves extracting resources and value from federal lands. We hear a lot about job creation, bailouts, and green energy, and our industry has the resources to provide revenue by managing federal forestlands. We are not asking Congress to give away money to our industry, just allow us to do our jobs. After all, isn't this what the majority of citizens are asking for? This is where we could see real change as rural resource providers, if we stand up together and are heard.

To clear up any misconceptions, if you are in the logging profession and are a member of one of the 30 state associations that make up the American Loggers Council, then you are a member of the ALC and should be proud of the efforts this group makes during the annual trip to Washington DC.

The issues that we carry on a continual basis and new ones as they come along can be seen prominently displayed on the ALC website and I strongly urge you to take a moment to see the newly revamped site at [www.americanloggers.org](http://www.americanloggers.org).

I encourage all loggers across the nation to join your state logging association and become active in these and other issues. Get to know the people that are out fighting these fights on your behalf and join with them.

Through the American Loggers Council, I have had the opportunity to meet loggers from all over the nation and better appreciate their determination, passion and the honor they put into supporting this industry and I hope that others trying to make a living in this industry do the same.

*Myles Anderson with Anderson Logging Inc. is a 4th generation logger from Fort Bragg, CA. and is currently serving on the Executive Committee for the American Loggers Council.*

*The American Loggers Council is a non-profit 501(c)(6) corporation representing professional timber harvesters in 30 states across the US. For more information, visit their web site at [www.americanloggers.org](http://www.americanloggers.org) or contact their office at 409-625-0206.*

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## CSA SAFETY SCORES' RELEVANCE DISPUTED

The announcement that the Federal Motor Carrier Safety Administration would adjust the "crash accountability process" for its Compliance, Safety, Accountability (CSA) safety rating scores hit an obstacle on March 8, when the Agency announced it would delay its decision to adjust fleets' and drivers' BASIC scores so that accidents in which those trucks were not at fault would not demerit them.

The agency's official, rather brief, explanation at the time was that there were "critical areas that required further study." According to the March 19 *Transport Topics*, "Behind closed doors, however, [FMCSA Administrator Anne] Ferro told the meeting attendees that she personally decided to delay the process after some public-interest groups questioned the 'uniformity and consistency' of police accident reports and said they felt the agency should include a way to 'accept public input into the process.'"

This explanation of why a legally parked truck that is struck by a moving vehicle should suffer a demerit on its BASIC did not sit well with truckers, and in the meantime several other studies have been published, purporting to demonstrate disconnects between BASICs and actual accident trends.

Wells Fargo Securities LLC, a stock analyst, published research last November demonstrating "no meaningful statistical relationship" between BASICs and safety and that, in fact, CSA's scoring created a "negative feedback loop" for carriers with unfavorable BASICs.

Since then, data analyses by J.J. Keller & Associates, Vigillo LLC, and EBE Technologies each find distortions in the actual risk for certain categories of truck, not only because of how certain violations are scored but because of inspection frequency patterns for various types of carriers.

Ferro has disputed the conclusions of the Wells Fargo Securities study, noting its relatively small sample of carriers, and has defended the delay in the revision of its "crash accountability process" in terms of being scrupulous "to get it done right."

*Article reprinted from Forest Resources Association Bulletin, May 2, 2012.*

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## FOCUS TURNS TO EDUCATIONAL PROGRAMS TO REDUCE FARM ACCIDENTS

The U.S. Department of Labor announced April 26 that it is withdrawing its proposed rule dealing with children who work in the agriculture sector.

The department said in its statement: "The Obama administration is firmly committed to promoting family farmers and respecting the rural way of life, especially the role that parents and other family members play in passing those traditions down through the generations. The Obama administration is also deeply committed to listening and responding to what Americans across the country have to say about proposed rules and regulations.

"As a result, the Department of Labor is announcing today the withdrawal of the proposed rule dealing with children under the age of 16 who work in agricultural vocations.

"The decision to withdraw this rule — including provisions to define the 'parental exemption' — was made in response to thousands of comments expressing concerns about the effect of the proposed rules on small family-owned farms. To be clear, this regulation will not be pursued for the duration of the Obama administration.

"Instead, the Departments of Labor and Agriculture will work with rural stakeholders — such as the American Farm Bureau Federation, the National Farmers Union, the Future Farmers of America, and 4-H — to develop an educational program to reduce accidents to young workers and promote safer agricultural working practices."

Farmers and politicians alike have applauded the decision.

"As a mother of two active children working on a multigeneration farm, I appreciate the effort to protect the safety of my children," said agriculture advocate and AgWeb blogger Cheryl Day. "However, creating a list of banned activities-performed by myself and many farmers and ranchers as a kid threatened the future of agriculture."

Sen. Debbie Stabenow (D-Mich.), chairwoman of the Senate Ag Committee, said she was glad the Department of Labor listened to the concerns of farm families.

"There must be strong safeguards to protect children from dangerous situations, but there needs to be an understanding that many children in rural communities learn about safety by

helping their family on the farm," Stabenow said.

Sen. Chuck Grassley (R-Iowa) called the rule "ridiculous" and said that withdrawing it just made sense.

"It's good the Labor Department rethought the ridiculous regulations it was going to stick on farmers and their families. It would have been devastating to farm families across the country," Grassley said. "Much of rural America was built on families helping families, neighbors helping neighbors. To even propose such regulations defies common sense, and shows a real lack of understanding as to how the family farm works. I'm glad the Obama administration came to its senses."

Day said she was thankful that the ag community worked together in voicing their concerns to the Department of Labor, and that she hopes for continued collaboration.

"Perhaps now the Department of Labor and Department of Agriculture can work together with the agriculture community to improve farm safety by utilizing FFA and 4-H programs to enhance farm safety courses for children," she said.

**SCTPA Comments:** *The American Loggers Council's Position Paper, "Supporting Youth Careers in Logging" was presented to our SC U.S. House and Senate staff members during the March visits to The Hill. As the paper states, "Like farming and ranching, the timber harvesting profession is often a family run business where the practice and techniques of harvesting and transporting forest products from the forest to receiving mills is passed down from one generation to the next." ALC's position, and supported by SCTPA, is the agricultural labor exemption be extended to children of loggers between the ages of 16 and 18 to allow this age group to work on "fully" mechanized timber harvesting jobs. Such an exemption would ensure that the next generation of mechanical timber harvesters can gain the needed on-the-ground training and experience under close supervision of their parents who have a vested interest in their children's safety and in passing down the profession to the next generation of timber harvesters.*



*From the desk of...*

## STATE FORESTER Gene Kodama



Good day,

As we cross the mid-point of the traditionally most active part of wildfire season, we can pause just a bit to check the status. The 1,847 wildfires that have occurred to date are less than historic averages, and “green-up” that has come earlier this year due to mild weather continues to help limit ignition points and fire intensities. Thankfully, fire seasons continue to be mild as we push for improved funding that will allow firefighting capacity and equipment reliability to be improved.

Two weeks ago, our Commissioner’s meeting was held on Scott Woodlands, LLC’s Crab Orchard tract in Hampton County. We appreciate Commissioner Micky Scott and his family hosting this meeting and the opportunity to visit this well managed forested property. We also appreciate all of our Commissioners’ active involvement, support and direction for our agency.

This week we cooperated with the SC Department of Agriculture in hosting a visit by staff members from each of our eight SC Congressional Delegates’ Washington offices. The tour was held on Harbison State Forest on the first day, with a fantastic dinner of local SC foods at the State Farmer’s Market in the evening, and an agriculture tour the next day. A team including Walt McPhail representing SC Tree Farmers, Wayne Steffan representing Chester Wood Products and SC Forestry Association, Crad Jaynes representing the SC Timber Producers’ Association, and the Commission provided the group with SC forestry updates. The presentations included an update on overall SC forestry, the Tree Farm program, EPA Boiler MACT rule’s impact on industry, and China log exports before going out onto Harbison State Forest to discuss BMP’s, EPA/court rulings on forest roads, Longleaf Pine management, and prescribed burning. To top off the day, our State Forest staff, plus Sam St. Louis, Jeff Riffin, and Chris McCorkle provided an actual prescribed burning demonstration. All of the attendees were greatly impressed with the presentations and really appreciated the opportunity to

learn more about South Carolina forestry. Joel Felder led the planning for the event and his entire team and our partners did a wonderful job. Thank you all for an outstanding day.

We also had a meeting of the 20/15 Project’s Forest Resource Committee this week. This Committee is playing a critical role as the Project kicks off its second phase of activity after acquiring a US Forest Service funding grant. The Committee is studying the forest resource to determine opportunities to grow the industry. Forest Inventory Analysis (FIA) data is being examined, and plans are being made to conduct a study that will project wood volumes into the future which will show where industry growth opportunities exist and any areas of resource concern. One area of concern that has already been identified is a forest resource age imbalance resulting from a lingering effect of Hurricane Hugo, past Conservation Reserve Program tree programs, and the recession’s impact on harvesting and tree planting activity. The other Committees continue to work on activities that are not tightly tied to resource data, like workforce issues, political activism, forest technology implementation, infrastructure, and forest protection.

Regarding SC House Bill H4082 and its Senate companion Bill S1348 to create recurring funding for firefighters, firefighting equipment, and resource development, we continue to work with the House Ways and Means Committee on amendments to H4082 to help its prospects for passage. S1348 has not yet been assigned to a Senate sub-committee for debate. We hope to complete amendments to the Bill in the House prior to actively working on the Bill in the Senate. Support by members of the House Ways and Means Committee will be needed when it is considered again, hopefully within a week or so. The status of the Bill and the members of the Committees can be easily seen on the state’s website, [www.scstatehouse.gov](http://www.scstatehouse.gov). You can go to the site and input the bill number to check its status and also tab to the Committees to confirm their members. If you need assistance with this site, please contact your supervisor or contact Larry Moody.

Best regards,  
Gene

**SCTPA Note:** *H4082 passed the House and now the Senate must act on S1348.*

## SAFETY ALERT

# THINK SPRING



Every season in the logging woods has its own set of issues. The safety issues we will be dealing with are specific risks caused by the change of seasons. The spring logging woods can prove to be deadly, given the risks that are introduced into an already inherently dangerous occupation. The two major risks that are unleashed in the spring are; reduced visibility and bark slippage. Both of these risks are very serious and must be addressed. Around the first week of April in the south, Mother Nature spreads her wings with a brilliant show of new foliage and growth. This great and beautiful spectacle can hide things in the forest canopy that can be great risk to a woods employee. What overhead hazards that could be easily seen in the open canopy of winter, are now hidden by the fresh leaves of spring. Catastrophic injury involving the upper body, specifically the head and neck area are often caused by an undetected overhead hazard. Please take the time to review the Heads Up For Hazards program with your crew.

- **Use approved personal protective equipment (PPE) for head protection.**
- **Look and scan at least 50 feet ahead on your path of travel.**
- **Look and scan at least 100 feet ahead for overhead hazards.**
- **Don't place yourself under any object that can fall or move due to gravity or the loss of hydraulic pressure.**
- **Maintain at least two tree lengths from any felling operation.**
- **Be visible!! Wear high visibility safety colors.**
- **Maintain communication with anyone in the work area.**
- **Never walk into a work area with running or moving equipment until the equipment is stopped, engine cut-off and implements grounded.**
- **Use proper manual felling techniques. Accurate directional felling avoids risk in the manual felling process.**

Slip/Trip and Fall issues plague all forms of general industry. Countless lost time injuries are recorded yearly by the seeming simple slip, trip or fall incident. Our spring logging environment has extra risk introduced when the bark slips on the growing trees. The slick inner-bark rivals a banana peel in terms of being slippery! Every employee has to be keenly aware of this hazard that comes every spring. The biggest concentration of slipped bark will be at or around the deck area. Deck hands and especially truck drivers should take extra care to avoid the discarded bark and the slick debarked logs that are present at the landing. Again, Owners should take the time to review Slip/Trip and Fall issues with your entire crew. Awareness of the risk reduces the chance of an incident.

- **Proper footwear with good ankle support is mandatory. (No sneakers)**
- **All platforms, steps and handles must be kept free from grease, oil and other foreign substances.**
- **Proper 3 point of contact, mount and dismount of equipment. (No jumping allowed)**
- **Constantly scan for all hazards!! Avoid slick bark, logs or limbs. Stump holes, rocks and vines are to be considered safety risks.**
- **Wear high visibility safety colors. Be seen!!**
- **When not cutting, the chain brake of the chainsaw must be engaged. More than two steps with a running chainsaw, requires the chain brake to be activated.**
- **Stay on the "uphill" side of felled timber and stems.**
- **AGAIN, constantly scan for risks and hazards that could result in injury!!**

New life grows before our eyes in the spring logging woods. Enjoy Mother Nature's marvel!! Let's keep a handle on the new risks that are introduced to our jobs in the spring logging woods.

Be careful!!



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# WOOD MAKES COMEBACK AS A FUEL

By Kate Galbraith,  
*The New York Times*,  
May 1, 2012

AUSTIN, TEXAS — A century ago, rural homes in the United States and Europe commonly relied on wood for heating. Now wood is making a comeback, thanks largely to pellet technology.

The energy-dense pellets, which resemble dry dog kibble and are mostly made from mill residue like sawdust and wood shavings, can be used to generate heat or electricity — or both at the same time. Demand is strong in Europe, where high prices for heating oil and clean-energy requirements have fostered interest in alternatives, but analysts say that over the long term, markets in Asia and North America could grow rapidly, too.

Modern pellet furnaces for homes are a “very convenient way of heating,” said Christian Rakos, president of the European Pellet Council, an industry group. “The only thing you have to do is empty an ash box once a year.”

Europe accounted for close to 85 percent of the global pellet demand in 2010, according to a report issued in December by an international group called IEA Bioenergy Task 40.

Although many pellets used in Europe are manufactured on the Continent, the rising demand has caused an increase in new export-oriented pellet plants in Canada, Russia and especially the United States, whose mills already make more pellets than any other country. In the heavily wooded American South, nine huge industrial pellet plants are under development, according to Forisk Consulting, a timber research group in Georgia.

Pellet production worldwide more than doubled between 2006 and 2010, according to the IEA Bioenergy report. Because pellets are small and compact, they are easier to transport in bulk than other forms of biomass, like wood chips.

The price of pellets has been rising. Hakan Ekstrom, the president of Wood Resources International, a consulting firm in Seattle, said a delivery of industrial pellets from North America to Rotterdam, a major port, costs about €135, or \$180, per ton, nearly 10 percent more than it cost a year ago.

“Some are buying pellets even if in some cases it would be cheaper to use coal or natural gas or oil, because they are going to switch over to renewables,” Mr. Ekstrom said.

European Union countries aim to get 20 percent of their energy from renewable sources by 2020, and analysts say a crucial source of demand is coal-fired power plants switching to “co-firing” with pellets — using them jointly with coal.

**“You can heat for half the cost of oil,”**

Britain is being particularly

aggressive in its efforts to replace some coal power production with pellets; Mr. Rakos predicted that in a few years it would be the largest pellet market in Europe, overtaking Sweden.

Utilities are moving in this direction. E.ON, the German energy company, has sought to add pellet-burning capabilities to a coal-fired power plant in Shropshire, England. It received local approval last month to move ahead in its planning process.

Still, the markets remain tiny, relative to other energy sources like coal and natural gas. In the Netherlands, for example, less than 3 percent of electricity was generated using pellets in 2010,

according to calculations by Martin Junginger, an assistant professor at the Copernicus Institute of Sustainable Development at Utrecht University. However, that figure “could easily double” by 2020, he said.

Mr. Rakos said that in Austria, pellets accounted for about 4 percent of the energy used for heating. Heating with pellets has also become “hugely popular” in Italy, he said. Companies in both countries have found an economic niche manufacturing pellet boilers and stoves.

But the growing use of pellets has alarmed environmentalists. They worry that pellet producers are no longer limiting themselves to making pellets from logging leftovers, like sawdust and wood shavings.

“Now what we see is entire forests being dedicated for pellet production,” said Nicolas Mainville, a forest campaigner for Greenpeace Canada and author of a critical report last year on the biomass industry. That makes the greenhouse gas effects problematic, he said.

Biomass counts as essentially “carbon-neutral” for purposes of European goals to reduce greenhouse gases, but a number of environmental groups, including Greenpeace, want that changed. Analysts say they expect the European Commission to issue sustainability guidelines for biomass this year.

Mr. Rakos said pellet producers were aware of the environmentalists’ concerns, which could pose a threat to their business, and were taking steps to ensure that the material was produced sustainably. In addition, he said, “if you do not burn coal but you burn biomass, that coal has not been used. So that carbon savings is a fact.”

*(Continued on page 17)*





(Continued from page 16)

Meanwhile, interest in pellets is growing around the world. Mr. Junginger of the Copernicus Institute predicts a strong increase in demand from Asia over the next several years. South Korea in particular has set ambitious renewable-energy goals, along with a target for green-

house gas reductions, he said. Japan is showing interest, too, and China is a “big wildcard,” Mr. Junginger said — poised to become, potentially, either a large producer or a large consumer of pellets, or both.

In Canada, most of its pellets, especially from British Columbia, are exported to Europe, but its domestic market could grow.

Bryan Pelkey, an alternative energy specialist with the government of the Northwest Territories, said that some businesses in Yellowknife, the capital and the region’s biggest city, have begun using pellets manufactured in the neighboring province of Alberta.

“You can heat for half the cost of oil,” Mr. Pelkey said.

## SUPPORTING PERMIT STREAMLINING

From Bill Kovacs at U.S. Chamber of Commerce

Dear Group:

Permit Streamlining legislation called the RAPID Act, H.R. 4377, is scheduled to go to markup in the House Judiciary Committee Tuesday, May 8. The RAPID Act is designed to streamline the environmental permitting process in several important ways:

Coordinating responsibilities among multiple agencies involved in environmental reviews to ensure that “the trains run on time”;

Providing for concurrent reviews by agencies, rather than serial reviews;

Allowing state-level environmental reviews to be used where the state has done a competent job, thereby avoiding needless duplication of state work by federal reviewers;

Requiring that agencies involve themselves in the process early and comment early, avoiding eleventh-hour objections that can restart the entire review timetable;

Establishing a reasonable process for determining the scope of project alternatives, so that the environmental review does not become an endless quest to review infeasible alternatives;

Imposing reasonable fixed deadlines for completion of an EIS or EA; and

Reducing the statute of limitations to challenge

a final EIS or EA from six years to 180 days.

The RAPID Act is modeled after existing permit streamlining provisions for transportation and stimulus projects. These permit streamlining provisions have cut the amount of time needed to secure project approvals in half. The RAPID Act would help projects move forward, creating millions of jobs and growing the economy.

We urge each of you to sign onto this letter supporting the Committee’s passage of H.R. 4377, the RAPID Act.

Best regards,

Bill Kovacs  
Senior Vice President, Environment, Technology & Regulatory Affairs  
U.S. Chamber of Commerce  
Washington, DC

**SCTPA Comments:** *Bill Kovacs, the 2012 SCTPA Annual Meeting luncheon speaker, provided great insight into how the EPA is operating an overly burdensome regulatory “empire” that is handcuffing our nation’s business sectors and economy. SCTPA and American Loggers Council have signed onto the letter and support H.R. 4377.*





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## WHY USGBC SHOULD RECOGNIZE SFI HELPING TO KEEP WORKING FORESTS AS FORESTS

Larry Selzer  
President and CEO, The Conservation Fund

*The U.S. Green Building Council is inviting comments on the draft language for its LEED rating system. SFI Inc. has invited views on the treatment of third-party forest certification, which must be "FSC or better" according to the latest USGBC credit language. In this post, [Larry Selzer](#), President and CEO of The Conservation Fund, and a member of the conservation chamber and Vice Chair of the SFI Board of Directors, looks at how SFI certification helps conserve working forests and explains why SFI should be recognized by USGBC's LEED rating tools.*

At The Conservation Fund, we know that one of our greatest conservation challenges in North America today is the loss of working forests. We also know forests that are managed to provide economic return and for social attributes are more likely to continue to remain as forests and therefore likely to support environmental values as well.

That's why we work with our many partners to help landowners and communities develop sustainable solutions that integrate economic return with environmental quality. And that's why we support third-party certification programs like the Sustainable Forestry Initiative® (SFI®). The Conservation Fund owns almost 100,000 acres of working forests in the United States - all are actively managed and the SFI Standard plays a prominent role.

Last fall, in my remarks at the SFI Annual Conference, I spoke about how it is time to think of forests as infrastructure - a self-sustaining economy in green that provides us with clean air to breathe, clean water to drink, carbon sinks to reduce the amount of greenhouse gases in the atmosphere, and a source of renewable energy - not to mention the millions of jobs that depend on them.

We know how important it is to maintain our critical infrastructure. But before we can ask citizens to invest more in forests, we need to convince them those forests are, and will be, well managed - and that's where forest certification comes in. Certification provides the public a window into the forest, and it provides them with independent assurance that certified forests are responsibly managed.

If the U.S. Green Building Council (USGBC) wants to help us keep working forests as forests, it will acknowledge SFI's leadership in the area of responsible forestry. It will recognize that forests certified to SFI are part of the solution to keep forests as forests. If working forests don't have access to green building markets, those forests may likely be converted to non-productive uses such as houses and commercial development. The purposeful exclusion of SFI can actually accelerate the loss of our forests lands nation-wide. 90 percent of the world's forests are not certified, including a significant amount of land in North America. That's why it's so important for USGBC to recognize that the SFI Standard is making a real and positive difference towards keeping our forests as healthy, working forests, supporting a variety of economic, environmental and social values for communities today and in the future.

SFI certification was created to balance forest interests, and it does this extremely well. I am honored to serve in the conservation chamber, one of three equal chambers making up the SFI Board of Directors. I have dedicated my life to conservation and the protection of our working forests, and, working with the SFI Board to continue to set the highest standards for responsible forestry for the industry.

Consider this quote from John Burroughs: "To treat your facts with imagination is one thing, to imagine your facts is another." America is losing millions of acres of working forest every year to development pressure, and yet the USGBC continues to give credentials when none are warranted to the inaccurate claims of a small faction who have proven they are bereft of any ideas about how to expand conservation in the future. Instead of supporting those who imagine their facts and repeating claims that have no grounding in the truth, USGBC needs to show true leadership and join us in protecting these treasured lands by recognizing the remarkable contribution SFI is making on millions of acres of forests across North America.

*Larry Selzer has been a supporter of SFI certification since it began, and is currently Vice Chair of the SFI board. The Conservation Fund is a top-ranked non-profit, in 2010 it was #1 on Charity Navigator's list of 10 of the Best Charities Everyone's Heard Of for its efficient and fiscally responsible performance.*

## Georgia State Bar Hearing to Consider Timber Contracts as "Unauthorized Practice of Law"

A hearing has been scheduled in Savannah on June 1 by the State Bar of Georgia's Standing Committee on the Unlicensed Practice of Law to consider whether a forestry consultant is engaging in the unauthorized practice of law when he utilizes standard, or form, contracts in timber sales.

The Georgia Forestry Association on May 1 submitted comments to the Committee which state the Association's position that 'a consulting forester, as an agent of the landowner, does not violate the statutory provisions related to the unlicensed practice

of law in the State of Georgia by providing the landowner client with a form contract for the sale of timber". GFA noted in its comments that timber sales contracts are largely standardized across the industry and that form contracts are readily available to timberland owners without the use of an attorney.

The Association's comments contend that, should the Committee rule against the use of standardized contracts by consulting foresters, the effect "would not result in greater protection of the consumer, but rather a limitation of the market choices available to

the consumer and an increase in the transactions costs incurred by the consumer". Legal services are readily available to any landowner who may desire them, but the requirement for a third party to be involved in timber sales would only decrease the efficiency of the timber transaction market.

The June 1 hearing will be held at 12:30 pm at the Savannah International Trade & Convention Center. Comments may be submitted prior to the hearing to UPL Advisory Opinions, State Bar of Georgia, Suite 100, 104 Marietta Street NW, Atlanta, GA 30303.

## Judge Stops Logging Over Clean Water Act Concerns

By Mateusz Perkowski, Capital Press

A federal judge has blocked a Montana logging project partly because the U.S. Forest Service didn't properly disclose that it may need to obtain Clean Water Act permits for logging roads in the area.

A timber industry group worries the ruling will spur new lawsuits that make similar accusations to stop other logging projects on national forest land. "Copycat environmental groups are going to file this claim all over the place," said Scott Horngren, an attorney for the American Forest Resource Council.

The project in Custer National Forest, authorized by the agency last year, allowed for logging on about 1,500 acres as well as 35 miles of new road construction and 8,000 acres of prescribed burning. Native Ecosystems Council and Alliance for the Wild Rockies, two environmental groups, claimed the project violated environmental and forest management laws.

U.S. District Judge Donald Molloy has agreed with some of the plaintiffs' arguments and ordered an injunction against the project until the U.S. Forest

Service further analyzes and explains its environmental consequences.

The portion of his ruling that pertains to Clean Water Act permits is particularly controversial.

In 2010, the 9th U.S. Circuit Court of Appeals ruled that runoff from logging roads is subject to the Clean Water Act if it's conveyed through ditches and culverts into streams.

That decision has been appealed to the U.S. Supreme Court, which has asked the federal government to weigh in on the issue. Congress has also postponed the effectiveness of the ruling until the end of September.

Although Clean Water Act permits aren't currently required for logging roads, Molloy found that the agency should have disclosed in a draft environmental review that such permits may be needed for the project.

The agency did make that disclosure in its final review, known as an environmental impact statement, but that was insufficient because the public wasn't able to comment on the need for permits, according to the opinion. Molloy also found the government violated environmental law in its analysis of road densities.

"It basically puts a big burden on the Forest Service to address the Clean Water Act permit issue," said Horngren.

*(Continued on page 23)*

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(Continued from page 21)

Under Molloy's reasoning, no logging project can comply with the National Environmental Policy Act unless the Clean Water Act permit issue is analyzed, even though it's not currently a requirement and may never be, he said.

The environmental effects of the project will also be the same regardless of what Congress or the Supreme Court ends up doing, Horngren said. "I think it's a stretch to conclude this is a NEPA violation."

An attorney for the federal government said he could not comment on pending litigation.

## Highway Bill Heading to Conference: Truck Weights?

Following several weeks of negotiation, the U.S. House leadership determined that it would not have the votes to pass a Surface Transportation Reauthorization bill in anything like the form in which its Transportation & Infrastructure Committee approved it in February, and on April 18 a short-term bill--generally referred to as a "placeholder" with few new policy provisions--passed the House floor and enabled the House and Senate to schedule a conference to hammer out a bill which, it is hoped, will be acceptable to both chambers.

Not everybody thinks they will succeed; leading up to the House vote, Transportation Secretary Ray LaHood expressed the view that House and Senate were still too far apart to agree on a "long-term" bill--and even the word "long-term" may be a stretch, since the Senate's version only extends through September 2013.

From the point of view of Gross Vehicle Weight reform, passage of a short-term bill has the advantage of providing a venue for reopening the push to include something like Rep. Mike Michaud's [Safe and Efficient Transportation Act](#) (HR 763 / S 747) as early as next year. The Michaud bill, SETA, would enable any state to opt for permitting 6-axle / 97,000-pound semis access to its portion of the Interstate system. If Surface Transportation Reauthorization is again on the table in 2013--with a new Congress and (possibly) new President--the opportunity again emerges.

For now, the priority for FRA and its allies is to clear the way for that opportunity. In the context of the House-Senate conference (to convene on May 8), the priority is to prevent provisions in the Senate bill calling for a two-year study of truck size and weight impacts from providing cover for truck-

weight reform opponents to argue that discussion of reform should wait until a long-term study has concluded. That means ensuring that any "study" provisions in the final bill be structured to report findings prior to the next bill's negotiation.

Our side has been contacting Republican House conferees to make that point, and since the great majority of those conferees are favorably disposed to our position, we are hopeful that we can prevail on this tactical point--if, in fact, negotiations do produce consensus on a bill this round.

*Article reprinted from the Forest Resources Association Bulletin, May 2, 2012.*



**SCTPA Comments:** *SCTPA continues to support the American Loggers Council position of allowing the State Legal Gross Vehicle Weight to be trucked on the Interstate System Within Each State. This revision would allow SC Unmanufactured Forest Products trucking to have an Interstate GVW the same as SC's state roads GVW of 84,272 pounds. SC is blessed with a good interstate system. Our trucks should be able to utilize the system to relieve our trucks from traveling through towns, school zones, areas of high traffic density, etc. And the safety factor for our trucks and the motoring public would be enhanced. While the increased GVW to 97,000 pounds with a sixth axle may enhance regular commodity transportation, such a higher weight at 97,000 may not be practical for UFP trucking since in SC our trucks can only legally haul at 84,272 pounds on state roads.*

## OPINION: FORESTERS MUST TAKE THE INDUSTRY'S MESSAGE TO METRO AREAS, WOMEN

By Amos Eno - Private Landowner Network · Image by Craig Rawlings



The precipitating event to my presence here occurred last year when we received a copy of Robert Williams' superb educational video: *A Working Forest*. Everyone in our office viewed the video and we were uniformly impressed, and unanimously agreed to add it to our web sites.

I called Bob Williams to compliment him and heard his saga of sending out several thousand copies with little response and market acceptance, although I gather over 30 forestry colleges and tech schools are now showing the video. I pondered that scenario and concluded that the video is excellent in stating a contemporary issue warranting attention, policy reformation, and for jaw boning public attitude adjustment on a broad scale. The problem with the video is that it did not conclude with an actionable agenda of implementable policy and investment options, nor the necessary propellants to change public attitudes and behavior.

So, today I want to take a look at that, and give you, without presuming to bring coal to Newcastle, a positive frame of reference for forestry at the beginning of the 21st century in the U.S.

I have worked in conservation for over 40 years. During the entire history of my working life, the forestry profession has been much stigmatized and beaten up by the environmental movement; it has received a consistent tumble of derogatory characterizations for the past 40 years. How did this come to be?

After all, forestry was in the forefront of conservation, the solid ground floor edifice of the Roosevelt-Pinchot conservation skyscraper built at the turn of the 20th century. I know you are all foresters, but surely you recollect the Beatles' "Magical Mystery Tour." Today, I want to go back to our conservation forefathers of Pinchot and Roosevelt and chart a "Magical Forestry Tour" for America in the 21st century. I'll conclude with specific recommendations, including further encouraging dissemination of Bob Williams' film.

Let me share with you some thoughts that have been smoldering for 40 years. Put on your apostasy flak jackets. Looking at today's forestry world in the U.S., uncle Gifford (yes, he is actually a great uncle; his younger brother was Amos Eno Pinchot) would be turning over in his grave or beating the cloud ceiling with his cane in protest. The U.S.

Forest Service has gone from the spearhead of the environmental movement before World War I under Pinchot and Roosevelt to the shaft under Clinton and Obama, and it has been the whipping boy of the environmental movement for the past 40 years. What accounts for this status quo and persistent environmental flogging?

I started work at the Interior Dept. in January 1973,

less than a year after President Nixon's 1972 environmental message, which proclaimed: "At the dawn of the 20th century, almost as a voice in the wilderness, President Theodore Roosevelt proclaimed an environmental ethic for America. He said, "I recognize the right and duty of this generation to develop and use our natural resources; but I do not recognize the right to waste them, or to rob, by wastefulness, the generations that come after us." This quote comes from Roosevelt's famous 1907 Governors' Conference — the only documentally effective White House conference on conservation — wherein he concluded: "Let us conserve the foundations of our prosperity." His clear inference here: foundations of prosperity come from forestry. Let me point out that now, a century later, it is working forests, not wilderness areas and parks, that are the prospective foundations of our prosperity in the 21st century.

Pinchot, in his book, *The Fight for Conservation*, laid out his principles of conservation: "The first great fact about conservation is that it stands for development." His old-fashioned lexicology is not referring to housing developments courtesy of 20th century icons Freddie and Fannie, but he is referring to utilizable forest. "In the second place, conservation stands for the prevention of waste..."

### Wasted Resources

Let's have a little fun here with the environmental juggernaut, take a few whacks at the piñata, and call a spade a spade. Most of our western forests today are a gross waste. They suffer from a century of fire protection — the adoption of Smokey Bear (well-intentioned but a form of ecological seppuku in the real world) an overburden of regulation, and wilderness designations that have turned once glorious forests into tinder kegs of off-limits timber.

Back to Pinchot: "The third principle is this; the natural resources must be developed and preserved for the benefit of the many, and not merely the profit of a few." Obviously times have changed and we no longer need to protect our forest resources from the clear-cutting timber barons of yore. I think forestry today suffers from the tyranny of metropolitan America — urbanized society that can hardly tell a tree from a cactus. And although these metropolitan folk may not be "few" in their 100 millions, their viewpoint and adhesion to unreality of forest management makes them intellec-

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tually puerile and cretinous from a rural, cultural and economic perspective.

Let me give you an example. An article in *Conservation Magazine* (11/01/2011) entitled *How Fragmented are Forests in the Eastern United States* begins with the statement: "The once unbroken forests that stretched across vast swaths of North America are mostly gone, broken into pieces by cities, roads and farms." Well, guess what? Has anyone here read Charles C. Mann's *1491* and his excellent sequel, *1493*? Mann has compiled voluminous research showing that pre-Columbian forests were not "vast unbroken forest," but in fact heavily patched forests, interspersed with prairies and openings. Our Amerindian predecessors managed forests with fire on a vast scale unheard of until documented by recent research. If we had not decimated 95-plus percent of the Amerindian populations with European diseases, these patchy forests would have survived, and we might have learned something from the vast role of Amerindian fire management.

Another book to which I commend your attention is *Tending the Wild* by M. Kat Anderson on native

American management of California's natural resources. She writes: "I hope that greater understanding of the stewardship legacy left us by California Indians will foster a paradigm shift in our thinking about the state's past and the necessity of prescribed burning today." The Autumn 2011 issue of *National Woodlands* features top ten family forest issues which highlights "Keeping Forests as Forests: eight out of ten Americans now live in urban metropolitan areas, and all of them benefit from forests whether they know it or not. Working forests are those that are managed to (1) increase water yield, (2) provide sustainable harvests of wood for large and small companies, and (3) protect a biodiversity, wildlife habitat and beauty."

Pinchot concluded his principles with two sweeping statements that I have always liked. First, "conservation is the application of common sense to common problems for the common good." Simple, direct, and a lot of leaving leeway for on-the-ground application, as opposed to academic or Sierra Club proselytizing. And, second "the success of the conservation movement in the United States depends in the end on the understanding the women have of it."

I have always believed that. When I ran the National Fish and Wildlife Foundation (NFWF), 65% of my staff was comprised of women. The number one market audience that industrial and non-industrial foresters need to target and reach out to, and move to more understanding with, is the women of the U.S. If you are to build a marketing program such as American Farm Bureau or National Cattlemen's Beef Association in their new Farmers and Ranchers Alliance Farm to Market initiative, I would do the same thing to promote working forests awareness.

Let's go from the "way back machine" to some of the marvelous examples of successful conservation and working forests that are occurring now and in the last decade. However, to understand the potential role of forestry in the 21st century you need to understand the underlying facts that will determine market and policy development.

First, 70% of the lower 48 states is privately owned. There are an estimated 11 million private forest owners who collectively control 56% of the forestland (423 million acres). Family forest owners account for 92% of private forest owners and 62% of private forestland (35% of all forest land). Most of these private forestlands are concentrated in the eastern U.S. This is your 21st century market and it is heavily concentrated in Southeastern and Mid-Atlantic states. The issues rated as major concerns by family forest owners are "keeping land intact for heirs, and property taxes."

This brings me to the second critical market/policy factor — the demographics of forest owners. They are old, on average almost 70 years of age. This is a

superannuated constituency. In the next decade we are going to witness the largest transfer of land and wealth in U.S. history, and nobody is paying any attention to this dramatic, landscape changing demographic.

Now let us consider forest conservation success stories. Because I live in Maine and have bragging rights to investments in two projects there, I'm going to start in the Pine Tree State. In the late '90s the major environmental donors noticed that most of the major integrated lumber companies were leaving Maine and with the help of significant piles of federal dollars they underwrote a number of forest protection projects — great stuff, but not what I'm going to focus on.

### Conservation Easements

Did you know that one-third of Maine's protected landscape was put into the conservation column between 2001 and 2005? That's 1.1 million acres in just two projects: The Pingree Conservation Easement, 762,000 acres, and the Downeast Lakes Conservation Easement, 342,000 acres. These were both working forest easements wherein the development rights were purchased for respectively \$37 and \$39.42/acre, roughly one half to one quarter of the going rate of most of the other forest conservation projects which typically relied on 50% or more federal funding. Pingree and Downeast were 90% privately funded and these forestlands today pay taxes, support working forest jobs and send wood to mills in rural Maine. To me, these two projects, which were anathema to many in environmental circles because the land stays in private ownership and is still a working forest, represent the future of forest conservation in the U.S. We need jobs in rural America. We do not need en-

From an advertising, marketing perspective, you need to focus on educating the women of America on forestry and you need to target America's urban metroplexes on the benefits of tree planting and forestry.

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environmental management prescriptions on every square mile of forest.

Much recent research and management also demonstrates that forest harvest, including clear-cuts, enhances wildlife habitat. For example, in Maine clear-cuts provided habitat for snowshoe hares, which enabled lynx to repopulate Maine forests. These projects are still the largest two conservation easements in the U.S.

Let's go cross country to northern California where recently a major West Coast private timber company, Roseburg Forest Products, just concluded a 8,230 acre conservation easement on the Bear Creek tract on the slopes of Mt. Shasta. Family-owned Roseburg, headquartered in Dillard, Ore., owns 175,000 acres of FSC-certified forestland in northern California. The Bear Creek project keeps the land as a working forest and prevents conversion of the forest to residential and other uses, keeping the tract from being broken up into many smaller parcels.

Allyn Ford, President of Roseburg, commented, "We believe the future of our company and our industry is in managing our forests for all the public benefits they provide, including sustainable wood supplies, renewable energy, clean drinking water, habitat for fish and wildlife and increased carbon storage. Conservation easements provide us with compensation for this stewardship, making our business more robust." Roseburg is owner of one of the two remaining sawmills in Siskiyou County.

Keith Ross, who worked with Roseburg's staff to design this forest easement specifically for Roseburg to underpin the sustainable methods they use to grow the products they need for their manufacturing process, explains: "They clear-cut blocks of 20 acres, retaining trees in two acres within the block to protect seeps, unique habitats, and large trees. The remaining slash in each block is then chipped and four native species replanted. They may use herbicide twice, PCT once and then at 20 years old, the trees are free to grow to age 65; then the process is repeated. Roughly 30% of the entire 8,200 acres will not be harvested so as to preserve old growth, riparian zones, and the Pacific Coast Trail corridor." Ross was also the architect of the Pingree and Downeast projects.

For a year and a half now I have been writing with colleague Gregg Elliott a weekly blog called "Keep Working Lands Working" where we highlight conservation success stories in agriculture, ranching and forestry on the PLN homepage. One of my favorite projects is featured in three successive blogs posted in December. The project is in Montana, in the heart of our bark beetle infested forests of the Rocky Mountains. It is called "Wood for Haiti" and is the brainchild of Gary Funk, a music professor at the University of Montana. When I was at NFWF, I was always looking for projects where I could kill two or three birds with one

shot of cash, and Gary's project is emblematic of working forest conservation tied to rebuilding the most destitute nation in the western hemisphere, which is, for all practical purposes, deforested and treeless. Driving through Helena National Forest last year, Gary noticed all the trees that had been decimated by the pine beetle epidemic — up to 70% of lodge pole and ponderosa in some areas. It hit him: "We've got enough dead standing wood to rebuild the entire country of Haiti."

In September 2010 Gary had an epiphany: design a program that provides relief for the homeless of Haiti, encourage the Forest Service to begin restoration of seven million acres of national forest in Idaho and Montana by removing beetle-killed trees and reforestation, and beat back the economic recession by creating timber and mill jobs, in addition to the harvest and planting jobs. By God, this is right out of Uncle Gifford's play-book: "Apply common sense to common problems for the common good." In Montana alone there are 5 million acres of beetle killed trees and British Columbia has 45 million acres affected! Let's put that wood to use!

On 23 December 2011 an historic conservation project was approved in Massachusetts. W. D. Cowls, Inc., a forest company, successfully placed a conservation easement on 3,486 acres of forest (Paul C. Jones Working Forest) in the towns of Leverett and Shutesbury. The 5.4 square mile area encompasses almost all of Brushy Mountain. W. D. Cowls is Massachusetts' largest landowner.

The Brushy Mountain project received \$5 million in Forest Legacy funds. Cinda Jones, who worked for me at NFWF, and is the 9th generation coowner and president of W.D. Cowls, announced: "We're obviously in it for the long run and this conservation achievement demonstrates how commercial forest management can complement open space conservation and recreation." Like Roseburg, W. D. Cowls sold the development rights, but

kept a working forest in business. This is the Pinchot standard for protecting 5.4 square miles of forested lands in one of our most populous states.

In nearby Vermont, the second least populated state where the vast majority of land is forest—largely privately owned and sustaining a vibrant timber industry — a recent Property and Environmental Research Center report proclaims: "Vermont has taken the lead in using residual material created during forest management (woody biomass) to heat schools and commercial buildings. Vermont is now home to nearly half of the facilities in the U.S. using woody biomass for heat."

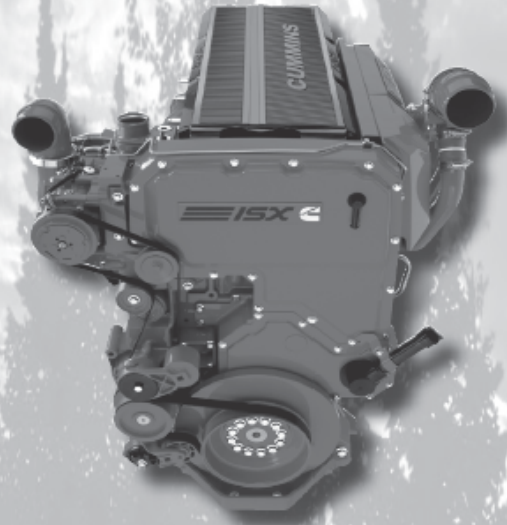
National Life Group Insurance Co. in Montpelier has the largest commercial building in the state. It switched to woody biomass heating in 2010, hoping to meet 90% of its heating needs with wood. Today National Life is exceeding this goal. In its first season, the company reportedly saved \$400,000 in fuel costs. Also, Bennington College added a new wood boiler system in 2008.

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"Apply common sense to common problems for the common good."

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This goes to the heart of Pinchot's second principle of conservation: "Conservation stands for the preservation of waste." I'll take biomass over our oil fuel any day in New England winters.

### **GreenTrees**

In the Mississippi Alluvial Valley, the nation's leading reforestation program on private lands has quietly been building an amazingly successful program designed to promote forestry, wildlife habitat, carbon sequestration, biofuel harvest and landowner incomes. GreenTrees ([www.green-trees.com](http://www.green-trees.com)) does this through their unique, sciencebased method of densely interplanting fast growing cottonwoods and slower growing hardwoods at 604 trees/acre. Their specially selected form of cottonwood serves as a shade nursery for the slower growing but longer-lived climax species, such as oak and cypress. At intervals after year 10, landowners can harvest the cottonwoods for biofuels, and most of the oaks and native hardwoods that have established in the understory will be left to sequester carbon, though some may eventually be harvested. Credits generated by the project are registered with the American Carbon Registry, which requires a commitment to sustainable management for at least 40 years.

In 2011, Norfolk Southern entered into a contractual relationship with GreenTrees, to fund GreenTrees' planting an average of 10,000 acres over five years, a program that fits with the corporation's focus on the triple bottom line. Sponsors such as Norfolk Southern and Duke Energy retain the carbon credits. To date, GreenTrees has planted more than 4 million trees and has over 2 million tons of carbon offsets under contract for Duke Energy, Norfolk Southern and others.

One of Roosevelt's most famous sayings pertaining to diplomacy was "speak softly but carry a big stick." Going forward, I think the forestry community should abandon quietude and brandish their big stick tree size—literally, figuratively, and loudly! The forestry community should do what I'm trying to do here today, and what we do in our blog, "Keep Working Lands Working" on a weekly basis, and through postings on our national and state conservation center web sites, tell forestry success stories.

The environmental movement sustains itself by projecting crises. It has been doing formulaic marketing of apocalyptic crisis fabrications for 40 years and it is running out of gas, according to most current polling. It is time for your industry to aggressively project forest success stories on your contributions to land management, manufacturing, fuel alternatives, carbon sequestration, safeguarding clean water for metropolitan America, providing critical wildlife habitats and outdoor recreation, landscape-scale recreation venues and urban shade.

### **Women Are Key**

From an advertising, marketing perspective, you

need to focus on educating the women of America on forestry and you need to target America's urban metroplexes on the benefits of tree planting and forestry. This fall I was astounded to learn that the Senate Interior Appropriations included funding (\$5 million) for the "Community Forest and Open Space Conservation Program." The Forest Service is finalizing rules for implementing this program.

Look at California, the west's most metropolitan state. They face looming ecological disaster. If I were Gov. Brown, instead of passing new tax bonds, I would be planting trees. I worked on developing legislation with Sen. Susan Collins (RMe.) to provide a mechanism to preserve open space around metropolitan areas where sprawling development is fragmenting both farm and forestlands. I am convinced that forests hold central importance to our metropolitan areas by preserving aquifers, as with the Pinelands National Reserve in New Jersey, by providing short distance recreation open space, as with the Sterling Forest in northern New Jersey, and in terms of providing shade and carbon sequestration for every urban metroplex in America. But, for the love of trees, here we are in the neighborhood of the Hudson River School of Painting, which concocted the vision and myths of endemic American wilderness as forest landscapes. This vision is poppycock, as Roosevelt and Pinchot knew, and needs to be put back in the can!

We are living in an era when federal and state funding is going to seriously contract. The current administration has made public land acquisition a priority and that is coming up against the stark realities of our budget shortfalls and national deficit. However, the President's "America's Great Outdoors" initiative did mention the importance of private land conservation, and to my mind one of the most important programs in the federal government is Forest Stewardship, which Jim Hubbard oversees. The heart of the Forest Service is our National Forests, some 192 million acres, the vast majority of which Pinchot and Roosevelt designated between 1901 and 1909. Similarly, in Interior, the heart of the U.S. Fish and Wildlife Service (FWS) is our National Wildlife Refuge System. These land conservation systems are cherished public legacies, but they do not address the market needs of the 21st century, where 70% of the continental landscape is in private ownership. Forest Stewardship provides the tools and services for this target audience, and similarly FWS' Partners for Wildlife program plays a comparable role for the Interior Dept. You need to focus your energies on sustaining funding for the Forest Services' Stewardship Program. It is a page straight out of every conservative's policy Bible.

Probably the most important policy issue pending before Congress today which will affect working forests across the breadth of the country is the Conservation Easement Incentive Act, which at 301 has the highest number of co-sponsors of any pending legislation be-

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fore Congress. Known as the Gerlach-Thompson Bill (HR 1964, S 339) the legislation extends the capital gains deductions and tax incentives for conservation easements first passed in the Pension Act of 2006 and signed by President Bush. Nothing I can think of will do more to keep family owned forests or working forests intact than extending this piece of tax legislation. You need to get officials like Gov. Christie to weigh in on this important legislation that expired on December 31, 2011. Pinchot's ghost will come out of Gray Towers to stomp for passage of Gerlach-Thompson. Pinchot wrote: "The central thing for which conservation stands is to make this country the best possible place to live in, both for us and our descendants."

The conservation movement is calling the attention of the American people to the fact that they are Trustees. The fact seems so plain as to require only a statement of it, to carry conviction. Yes, we are Trustees, and we must ensure the safe passage of family forestlands to the next generation of forest stewards.

Finally, use the Internet. My foundation, Resources First Foundation, builds conservation data centers, web-based on the Internet. Our premier national site, [www.privatelandownernetwork.org](http://www.privatelandownernetwork.org), first went online in 2003. Traffic to the site doubled for seven consecutive years with no marketing or advertising. We put our tax site, [www.conservationtaxcenter.org](http://www.conservationtaxcenter.org), on line right after President Bush signed the 2006 Pension Act. This year our tax site, CTC, is averaging 50,000 page views per month and between 10 and 30 minutes online per viewer. We have now built statewide conservation data centers for Maine, California, Mississippi and Arkansas and have four states requesting sites. We host over 2,800 consulting foresters on our sites, and we function as a "B to B" driving business to foresters.

We also serve as the back-end of the National Association of Consulting Foresters, enabling them to serve their membership efficiently through the Private Landowner Network (PLN). All this costs money, although not a lot. The current administration cancelled our NRCS funding, so we are increasingly reliant on individuals and corporations for support. Environmental foundations do not flock to support us because we are pro-business, free market, and pro-working forests. I was a little thunderstruck before Christmas when your own Bob Williams sent us a contribution. That is the first check we have had from anyone in the forest industry in a decade. Thank you Bob!

In terms of Bob's video, we are going to do a blog post, and I think Chuck Leavell should get this posted on The American Forestry Foundation' site, and Keith A. Argow on the National Woodland Owners Association site. It should also be posted on the Forest Service's Stewardship site, and be made available to all their offices and every state foresters' office.

For my final thought, I am going to borrow a few lines from General David H. Petraeus. He gave a marvelous

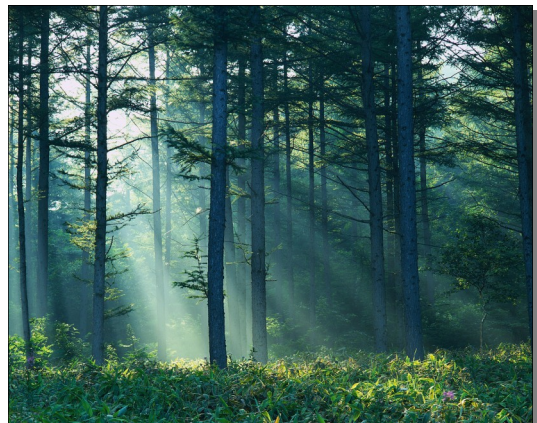
speech at the Princeton University Medalist Alumni Day Lecture on February 20, 2010. I'm going to quote him directly. He said: "In my view, a strategic leader of any organization or group has a solemn obligation to make sound and ethical decisions, and to do so based on a continuous cycle of learning." And, referring to the implementation of the surge of forces into Iraq in the spring of 2007, he said it "involved a surge of ideas, big ideas. The truth is that the surge of ideas was even more important than the surge of forces." Petraeus avers: "The first task of strategic leadership is to develop the right intellectual constructs to guide an organizational approach: senior leaders need to think creatively and critically about complex challenges, and embrace new concepts."

I think the challenges facing the forest industry today are comparable to those of Iraq in 2007. Petraeus continues: "The biggest of the big ideas was that the Iraqi people were the decisive terrain, the human terrain, and, with our partners, we had to focus on securing and serving them...."

The forest industry must recognize that its human terrain is metro America and we need to convince this constituency that trees are a key ingredient to securing their future and their present needs.

Pinchot reminded us that the conservation movement compelled Americans to act like Trustees. For the 21st century I would add a corollary to Uncle Gifford's admonition: Trust Trees. They are the future and, if you cut them down, with stewardship, they grow back. Trust Trees.

*Amos Eno, well known conservation activist and former natural resources foundation leader and influential federal agency figure, is President and Executive Director of Resources First Group, a consulting firm specializing in private sector solutions for the environment. He addressed the Allegheny Society of American Foresters on February 16, passionately delivering an insightful commentary on the challenge of maintaining working forests in a changing society.*



## FORESTS OF THE UNITED STATES: UNDERSTANDING TRENDS AND CHALLENGES

Lead Author: Steve Bratkovich

Is the forest area of the U.S. shrinking or expanding? Does annual tree growth exceed harvest? Is the amount of wood in our forests increasing or decreasing? Are our forests sustainable?

The answers to these and related questions contain “good news” as well as some “not so good news.” In part, the answers depend on your perspective (local vs. national), timeframe (decades or centuries vs. a few years) and definitions (e.g., What is a forest? What is sustainability?).

This report is a brief overview of the status of U.S. forests and an update to an earlier Dovetail report. This report is predominantly based on two recent publications from the U.S. Forest Service –

The National Report on Sustainable Forests-2010.

Consider these accomplishments:

- About 1/3rd of the U.S. is forested and our **total forest area of 751 million acres** has been stable for about 100 years.
- We also have about **25 million acres of urban forests** in the U.S.
- The U.S. **timber growing volume has increased 51%** since 1953.
- Annual net forest **growth surpasses harvest by as much as 72%**.
- The U.S has **3 times the amount of reserved forest land** we had in 1953.
- Private landowners in the U.S. **plant 4 million trees per day** (*that's 5 trees each year for every man, woman and child in America!*).

The Dovetail report can be viewed at <http://www.dovetailinc.org/contant/outlook-march-2012>



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# SC LEGISLATIVE UPDATES

## Senate Should Act on *Smith Land* Fix

The Senate Medical Affairs Committee unanimously passed legislation to restore more than 60 years of balance and precedent to the law after a shocking South Carolina Supreme Court ruling last summer in the *Smith Land Company* case. H.4654, now on the contested Senate calendar, would correct that egregious ruling, and the state's business community urges the Senate to set H.4654 for Special Order at the first available opportunity. Sens. Phil Leventis (Sumter), Brad Hutto (Orangeburg), Greg Gregory (Lancaster) and John Scott (Richland) are currently objecting to the legislation being considered.

As a result of the Supreme Court ruling, any emission or discharge into the environment now requires a permit, even if one does not exist. Additionally, the ruling creates a private right of action for any citizens or citizens group to sue anyone deemed in "violation" of the Pollution Control Act (PCA). In the *Smith Land Company* case, less than 2/10 of an acre of an isolated wetland was filled after a landowner contacted the U.S. Army Corps of Engineers and the South Carolina Department of Health and Environmental Control (DHEC). Neither agency required a permit to fill the isolated wetland, so the landowner did not acquire one. The Supreme Court held that a permit from DHEC was required, not because a regulatory program covered it, but because the PCA contains what the court interpreted as an absolute prohibition of any discharge into the environment without a permit. The Supreme Court's decision has opened the door for a tidal wave of lawsuits.

H.4654 was amended by the Senate Medical Affairs Committee last week to allow individuals to petition DHEC if they believe someone is operating without a permit and one is required. The amendment also changes the process of appeals from the circuit court to the administrative law court. Senate Majority Leader Harvey Peeler (Cherokee) and Senators Brad Hutto (Orangeburg) and Wes Hayes (York) have played a critical role in advancing the legislation.

At a time when South Carolina is still recovering from the economic downturn, correcting the ruling is paramount to restoring regulatory stability and fostering a pro-job creating climate. H.4654 would restore that much needed balance. The South Carolina Chamber of Commerce and its allies are preparing a letter for the Senate outlining the need to move this legislation forward this session, specifically to set H.4654 for Special Order, bypassing those senators objecting to consideration. Numerous business groups are calling for this reform as the key economic development issue of the legislative session.

## As of May 4<sup>th</sup> - Senate Fails to Set PCA for Special Order

By a vote of 22-16, the Senate failed to set H.4654 for Special Order this week, legislation to correct the Supreme Court ruling in the *Smith Land Company* case. The business community and its allies have been urging the Senate to move forward with the bill as it is one of the main economic development priorities of the legislative session. The House passed the bill in March.

Voting against the business community's request for Special Order were: Senators Ralph Anderson (Greenville), Chip Campsen (Charleston), Creighton Coleman (Fairfield), Tom Davis (Beaufort), Dick Elliott (Horry), Brad Hutto (Orangeburg), Phil Leventis (Sumter), Joel Lourie (Richland), Gerald Malloy (Darlington), John Matthews (Orangeburg), Yancey McGill (Williamsburg), Floyd Nicholson (Greenwood), Clementa Pinckney (Jasper), John Scott (Richland), Vincent Sheheen (Kershaw) and Kent Williams (Marion).

The business community is working closely with Senate Majority Leader Harvey Peeler (Cherokee) and Senators Brad Hutto (Orangeburg) and Vincent Sheheen (Kershaw) to try to find a legislative fix this session. Sen. Hutto (Orangeburg) offered an amendment several weeks ago that would prohibit a private right of action while still allowing environmental groups to petition the South Carolina Department of Health and Environmental Control (DHEC). The South Carolina Chamber of Commerce supports the Hutto amendment and believes it is time to move the bill forward.

The environmental community continues to advocate for the establishment of a new isolated wetlands permitting program as its No. 1 priority in this legislation. However, it is somewhat disingenuous since the last time they filed a bill to try to create an isolated wetlands permitting program was in 2006, having gone six years with little to no discussion. The business community is simply trying to correct a ruling, and any discussion on isolated wetlands should take place in a separate forum.

South Carolina's business community should continue to contact their senators to urge them to set H.4654 for Special Order to ensure the Senate will act on the legislation.

As a result of the South Carolina Supreme Court ruling in the *Smith Land Company* case, any emission or discharge into the environment now requires a permit, even if one does not exist. Additionally, the ruling creates a private right of action for citizens or citizens groups to sue a person or company deemed in



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“violation” of the Pollution Control Act (PCA). The Supreme Court’s decision has opened the door for a tidal wave of lawsuits.

In the *Smith Land Company* case, less than 2/10 of an acre of an isolated wetland was filled after a landowner contacted the U.S. Army Corps of Engineers and DHEC. Neither agency required a permit to fill the isolated wetland, so the landowner did not acquire one. The Supreme Court held that a permit from DHEC was required, not because a regulatory program covered it, but because the PCA contains what the court interpreted as an absolute prohibition of any discharge into the environment without a permit.

H.4654 would restore more than 60 years of balance and precedent. Correcting the ruling is critical to restoring regulatory certainty for businesses. North Carolina and Georgia do not have this court-imposed private right of action or unlimited numbers of permits for discharges into the environment.

### **Senate Subcommittee Discusses LLC Ruling**

A Senate Judiciary subcommittee met on Sen. Larry Martin’s (Pickens) joint resolution (S.1416) in response to an April South Carolina Supreme Court ruling on personal liability for members of limited liability corporations (LLC). Subcommittee members are: Chairman Chip Campsen (Charleston) and Sens. Brad Hutto (Orangeburg), Gerald Malloy (Darlington), Paul Campbell (Berkeley) and Shane Massey (Edgefield).

**In the case, the Supreme Court held that the General Assembly did not intend for the LLC Act to shield a member of a LLC from personal liability for his own torts while acting in the course of business of the LLC. Therefore, members of LLC’s are now not insulated from personal liability when acting in good faith for the LLC. Sen. Martin’s resolution clarifies that the intent of the General Assembly was to shield a member of a LLC from personal liability for actions in furtherance of LLC business.**

Individuals are always held responsible for their own wrongdoings in tort law, but the Senate this week clarified in S.1467 that an individual who obtains a license from LLR cannot be held personally liable for a wrongdoing solely for being a license holder.

### **Misconduct Legislation Must Move Forward**

In March, the Senate unanimously passed legislation (S.1125) to eliminate unemployment benefits if a worker is fired for misconduct. Last year, approximately \$50 million was paid to workers fired for misconduct, 10 percent of all payouts that year. S.1125 protects employer contributions into the system at a time when the state is still working to repay \$783 million in federal loans.

The legislation is now in the House Labor, Commerce and Industry (LCI) Committee. The South Caro-

lina Chamber of Commerce continues to receive anecdotal examples of workers collecting benefits who were fired for cause and urges the House to pass S.1125 soon.

In related news, the House included \$77 million in its budget for unemployment insurance (UI) tax relief for employers. As the Senate crafts its budget, the South Carolina Chamber asks business leaders to contact their senators, and tell them businesses are tired of bailing out government and picking up the tab for \$136 million in mismanagement of funds. In addition to the \$50 million paid out for misconduct, \$86 million has been paid out by the South Carolina Department of Employment and Workforce (DEW) in fraudulent claims.

### **As of May 4<sup>th</sup> - House Advances Misconduct Legislation**

A House Labor, Commerce and Industry (LCI) subcommittee passed S.1125, legislation to eliminate unemployment benefits if a worker is fired for misconduct. The legislation also addresses fraudulent benefit claims. The Senate unanimously passed the bill in March.

In 2011, approximately \$50 million was paid to workers fired for misconduct, and \$86 million was paid in fraudulent claims, representing 30 percent of all claims paid out last year. S.1125 protects employer contributions into the unemployment insurance (UI) system at a time when the state is still working to repay more than \$780 million in federal loans.

### **Senate Finance Committee Passes Bond for Port Dredging**

This week, the Senate Finance Committee passed S.1431, legislation by Senate Finance Chairman Hugh Leatherman (Florence) that would authorize a \$138.5 million bond for the federal government’s share of dredging the Port of Charleston (\$120 million) and the Port of Georgetown (\$18.5 million). The legislation serves as a placeholder for the state of South Carolina should federal funding fall through in future years.

While many state leaders would rather write the entire \$300 million check for the harbor deepening project, there could be significant unintended consequences from a federal perspective. With the harbor deepening study and the authorization of the dredging project still yet to be finalized, setting aside the entire portion could jeopardize cost-sharing responsibilities between federal and state government. Bonding the money would simply be a placeholder if the time comes, and the federal government does not live up to its responsibilities. No new debt would be incurred if the federal government funds its share of the project.

# THE LOGGING INDUSTRY INFRASTRUCTURE

By Shawn Keough

Executive Director, Associated Logging Contractors – Idaho  
& Idaho State Senator, Legislative District 1

Quite a bit is written today about “infrastructure.” As our nation grapples with continued economic turmoil, our elected officials suggest that spending on needed infrastructure projects like building roads and refurbishing schools would infuse money into the economy and put people without jobs back to work. Putting aside the politics of that discussion, the focus on a crumbling infrastructure is important. Just as it is important that our country’s roads, schools, and other basic infrastructure are sound, each successful industry sector continually addresses those same issues so that their businesses will succeed.

## **Taking Stock**

It would seem that within the logging industry, infrastructure needs should be analyzed and addressed so that logging businesses remain sound as the economy turns and demand for wood products climbs out of the doldrums to meet the continual rise in use by a world whose population continues to grow.

On the analysis side, there are reams of surveys, studies, and dissertations that focus on how logging businesses are holding up during these difficult economic times. In fact, before the latest downturn in the economy, research was conducted to ascertain how logging businesses were meeting the current harvesting demands and how they were positioning for the future.

## **State of the Industry**

In 2004, the Associated Logging Contractors of Idaho supported and participated in a study by a University of Idaho Master’s student that conducted a structural assessment of the contract logging sector in the Inland Northwest.

Concerns documented in that project included the difficulty of finding younger employees interested in coming into the logging profession. Other issues identified included the ability to work year around or at least a significant portion of the year, equipment availability and breakdown, and credit availability. In the year of this study, logging contractors averaged 51 years of age while 58 percent of their employees were found to be 40 years old or more.

In 2007 and 2008, the ALC-Idaho worked with the Intermountain Forest Association and the Idaho Forest products Commission to conduct a survey and a follow-up Summit on Idaho Timber Workforce Issues.

With consultant Dr. John J. Garland, P.W., work commenced to identify issues and solutions for attracting and retaining people in the timber industry, in particular the logging profession. The resulting report identified aging workers, compensation, and length of working seasons as some of the components that need to be addressed in order to keep the current logging contractor infrastructure in place while assuring it will exist in the future and not be lost as has happened in several states in the West.

Turning to a more recent

analysis, Timber Harvesting’s 2011 Logging Business Survey reported that even taking into account the difficult economic times the entire timber industry continues to face, more loggers are likely to get out of the business, the majority of loggers remain in the 40 to 60 plus age ranges, and accessing capital to replace or upgrade equipment remains among the key challenges to a healthy logging infrastructure.

Typing the words ‘logging capacity studies’ in the search engine at Google.com brings up over 14 million listings.

## **Moving Forward**

We’ve studied enough, and the time is now to step into action.

Perusing advertisements for sawmill manufacturing jobs, lists reasons for applying include: year-round work, health insurance benefits, paid vacations, and competitive wages.

In many of these companies the average longevity of employment is high. Most mills in the intermountain west have re-tooled to become more efficient in their production. They’ve made investments in their infrastructure. They’ve had to in order to stay in business. While some mills have gone out of business and some are operating at much reduced levels struggling to survive, others are doing OK, and as noted in recent benchmarking studies, some mills are experiencing profits.

Yet turn to the logging contractor side. While some compa-

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nies do offer health insurance benefits, most cannot afford to provide benefits for their employees and often do not have benefits for themselves either.

Year-round work? Logging has always been a seasonal endeavor, but surveys in Idaho show that steady work periods have shrunk substantially making it difficult to keep crews from finding other work and leaving logging altogether.

Competitive wages? Anecdotally at the ALC-Idaho we've observed that economics have

coupled with bidding processes to force compensation rates below the costs of operation. This cannot be sustained.

Paid vacations? Well ... That has rarely, if ever, been offered to those in the logging industry.

The logging and milling sides of our professional timber industry cannot exist without one another. It is time to dust off all the studies, all the surveys, and the results of all the workshops and put solutions listed in each and every one of them to work.

If we do not, we won't have the logging infrastructure

needed to get the logs out of the woods to be turned into the products that each and every person on this planet us using every day.

*Shawn Keough is the Executive Director for the Associated Logging Contractors – Idaho. The ALC-Idaho is headquartered in Coeur D'Alene, Idaho, and has 380 regular members and 100 associate members. Article reprinted from Montana Logger Association's Montana Logger magazine.*



### American Loggers Council Visit Capitol Hill to Discuss Issues Impacting Timber Harvesters

*Organization combines Capitol Hill visits with Spring Board of Directors Meeting*

**Hemphill, Texas (March 28, 2012)** – As part of their effort to educate lawmakers and federal agency personnel on the key issues important to professional timber harvesters across the U.S., over 50 representatives from the American Loggers Council traveled to Washington, D.C. on March 22-24 to meet with their representatives and various agencies to discuss those issues.

Agendas were full during the three day period, with ALC members making 103 visits to the Hill as well as meeting with U.S. Forest Service Chief Tom Tidwell, the Department of Transportation, and other agencies. Topics discussed included the ongoing litigation and policy work on the Forest Roads National Pollution Discharge Elimination System (NPDES) permits, truck weight proposals in the Transportation Bill, Youth in Logging Careers, the US Forest Service Budget, and payments to counties and schools from federal timber sale receipts.



*Bill Imbergamo*

During a briefing held on March 22, members were addressed by Bill Imbergamo, Executive Director for the Federal Forest Resource Coalition, Michael McAdams, President of the Advanced Biofuels Association, and Congressman Steve Southerland (R-FL). Imbergamo detailed the work that his organization has been doing with the US Forest Service to assist in increasing harvest levels on federal forest lands and McAdams ex-



*ALC Board members and guests in Washington, D.C.*

*(Continued on page 36)*

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plained the need to utilize woody biomass in a future renewable energy economy. Congressman Southerland announced that he would be supporting and co-sponsoring the Silviculture Regulatory Consistency Act, HR 2541 that would make permanent the silviculture exemptions from NPDES permits and discussed other measures that the House had taken up in an attempt to ease the regulatory burdens on the industry.



Congressman Steve Southerland

During the Board of Directors meeting on Saturday, ALC President Steve Sherich stated that he “was proud of the work that all of the members of the organization had accomplished during the visits to the Hill,” and that “their continued participation in the annual visits is beginning to pay dividends in not only recognition by members of Congress of the industry, but questions from those members pertaining to the logging industry which means that they are wanting to learn more about our industry.”

Along with the ALC delegation, sponsor representative Chip Burroughs with Caterpillar Forest Products made the trip to Washington and spent time with members of the group on their visits to the Hill. Sherich commented that “it was great to have Chip join us in our efforts and to see firsthand the work that we are doing here in Washington. I really appreciate the support and effort of all of our sponsors that help us to defray some of the expenses involved in these trips to DC, as well as the in-kind support we receive from others like John Deere who helped us put together this year’s annual report.”

ALC Executive Vice President Danny Dructor commented that “this is by far the best turnout that we have had in the history of the American Loggers Council on our trips to Washington. I am extremely pleased with the work that was done over the past few days, and look for increased communications between members of Congress and the American Loggers Council as we move forward.”

**About the American Loggers Council**

*The American Loggers Council is a 501(c)(6) organization representing timber harvesting professionals in 30 states. For more information contact the American Loggers Council Office at 409-625-0206 or visit their website at [www.americanloggers.org](http://www.americanloggers.org).*

# On “The Hill”



ALC Briefing



Congressman Jeff Duncan's staffer  
Vanessa Cox



(l-r) Chip Burroughs, Billy McKinney, Tommy Barnes, Danny McKittrick at ALC Briefing





(l-r) Chip, Tommy, Billy and Senator Lindsey Graham's staffers, Courtney Titus & Mary Holland & Danny



Congressman Tim Scott's staffer Delores Dacosta



Congressman Mick Mulvaney's Legislative Director & Counsel, Greg Thomas



Senator Jim Demint's staffer Laura Evans



Congressman James Clyburn's Legislative Director Willie Lyles



(l-r) Billy McKinney, Chip Burroughs, Congressman Mick Mulvaney's Legislative Director & Counsel Greg Thomas, Chief of Staff Al Simpson, Tommy Barnes and Danny McKittrick



# March 20 & 21, 2012

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# Mark Your Calendar

## May 2012

- 16,17 TOP 3-Day Class, Columbia. Registration Contact Susan Guynn, 864-656-0606 & 24
- 21 Midlands/Lugoff District 10 Meeting, Hall's Restaurant, Lugoff, 7 pm
- 22 Newberry District 2 Meeting, Farm Bureau, Newberry, 7 pm

## June 2012

- 21 SCTPA Board of Directors Meeting, Columbia, 10 a.m.
- 25 – 28 SC Teachers Tour, Midlands Sustainable Forestry Tour, Columbia

### CDL Driver Supervisors Reasonable Suspicion Training Classes

SCTPA will be offering again and soon scheduling the Reasonable Suspicion Training classes. This class provides training for Supervisors of CDL Drivers in order to be in compliance with Trucking Regulations 38-382.307 (c) – Reasonable Suspicion Testing and 38-382.603 – Training for Supervisors Under CFR Part 38-382 – Controlled Substances & Alcohol Use and Testing for SC Intrastate Unmanufactured Forest Products Trucking and Federal Interstate Trucking Regulations.

Class dates, locations and registration information will be emailed to email capable members in the SCTPA database. SCTPA will also mail notices prior to the classes.

This training IS REQUIRED in order to be compliant with the Trucking Regulations.

### PLEASE NOTE:

Event & meeting dates may change. Notices are mailed prior to SCTPA events. SCTPA events & meetings qualify for SFI Trained Continuing Education Credits.

### Need Training & SFI Trained Credits?

SCTPA can provide training programs for members for SFI Trained Continuing Education Credits. Programs offered for safety, driver training, equipment lockout & tagout, hazardous materials spill control on logging sites and forestry aesthetics.

Truck Driver Training Workshops will be scheduled. Watch the Mark Your Calendar section of this newsletter for dates.

Notices for SCTPA workshops & events will be forwarded.

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### *Our Mission*

The **Mission** of the *South Carolina Timber Producers Association* is to serve as the voice for timber harvesting and allied timber businesses to advance the ability of its members to professionally, ethically, efficiently, safely, environmentally and profitably harvest, produce and transport timber to meet the timber supply demands of our state by providing continuing educational and training opportunities, distributing timber harvesting, hauling, manufacturing and selling information, representing our members in national and state-wide legislative activities, and aggressively promoting, supporting and conducting programs of state, regional and national advocacy.