

Western Forester

January/February 2004

Oregon • Washington State • Inland Empire • Alaska Societies

Volume 49 • Number 1

Conservation Easements: Burden or Benefit?

BY GLENN LAMB

What exactly is a conservation easement? The words sound like a restriction, a liability, as in, "my property is burdened with this easement."

Here's an example to consider.

A small woodlot owner in North County was trying to figure out her estate plans. Her husband died a couple of years before. The two of them ran the tree farm, and it helped send their two kids to college. Her husband's parents and his parents' parents made their living from this land.

The woodlot owners never owned much beside the tree farm, and they'd always made a go of it between harvest rotations, the Christmas tree operation and his jobs on the national forest. Her oldest son is now back in North County and has a good job with a local contractor. He wants to keep the tree farm going. He grew up on the place; he learned his ways crawling through that forest; he'd spread his Dad's ashes out back in the cedar grove by the stream.

Now the county tax assessor says the tree farm is worth \$2 million, with most of that value in the land's development potential, not in the trees. The landowner's attorney is telling her that unless she does something, when she dies the kids will have to sell the tree farm—the land with her husband's ashes scattered on it—just to pay the estate tax! They don't want to see the place sold to a developer. They want to keep their hand in the tree farm. But they don't see a choice.

But then the attorney mentions a conservation easement. "You place a



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Conservation easements on working forests can help protect your land, generate financial gains from forest stewardship and leave a lasting legacy for future generations, as well as provide many public benefits.

conservation easement on the property before you die, which takes away the development rights. The value of the estate is decreased and now the kids can hang on to the land and keep it as a tree farm, which is what they always wanted anyway. They'll also get an income tax deduction that they can spread out for the next five years."

So which is it? Is an easement a burden or a godsend?

In case you think this scenario is far-fetched, consider that an estimated 93 million acres of forest owned by people older than 65 is undergoing some form of intergenerational transfer.

So, back to the original question: What is a conservation easement?

Property ownership is like a bundle of sticks. When you own the whole

bundle, you own all the property rights. But as owner of the whole bundle, you can sell or give away any of the individual sticks in the bundle. For instance, one stick is the right to drill for a water well on the property. Another stick is the right to subdivide. Another is the right to mine the property for gravel, another to mine it for oil and gas. Yet another stick is for the right to put cattle on the land; and one to build a feedstock operation. And then another stick is the right to harvest the property. The most common sticks or property rights that are given away or sold are road access rights or transmission corridors.

A conservation easement is really no different than one of these other

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Conservation Easements

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easements, except in a conservation easement, the landowner gives or sells certain rights to a not-for-profit organization or government agency *on the condition that these rights will never be exercised*. The conservation easement takes the form of a legal agreement between a landowner and the not-for-profit organization or government agency.

The property remains in private ownership—that is, you still own all of the other sticks in the bundle—and the easement provisions are permanently tied to the land. But you give up or sell the rights, for instance, to subdivide or develop the property, or to mine the property. The organization that holds the easement pledges, by signing the easement, to ensure that the property is never subdivided or developed or mined, and that organization then has the right to monitor the property to ensure that the terms of the easement are upheld,

and if needed, to enforce the terms of the easement.

In exchange for gifting easements that ensure that a conservation goal is met, a landowner may be eligible for estate, property and income tax benefits because the easement permanently reduces the value of the land on the real estate market.

Easements have been around for over 120 years, and thus have stood a reasonable test of time. But most conservation easements have been put in place in the last 20 years. There are now more than 1,200 land trusts in the United States, and most of these land trusts use a conservation easement as a tool for conserving land. Most also accept land as an outright gift—the full bundle of sticks.

Most land trusts in the United States are members of the national Land Trust Alliance (www.lta.org), the professional trade group. The Land Trust Alliance publishes a series of “Standards and Practices” to ensure that each land trust operates responsibly. The most well-known land trust is probably The Nature Conservancy,

which operates to conserve the last great places on the planet and has over 1,000 employees. Many land trusts are all-volunteer organizations run by community volunteers who want to help conserve a local landmark, while there are an increasing number of regional land trusts such as Columbia Land Trust. We have an all-volunteer board of directors and nine paid staff.

For most landowners, the primary reason for donating a conservation easement is because they want to see the property remain in some natural resource use. It could be farming, forestry or just to stay wild. Sure, there may be tax benefits in donating a conservation easement, but as a rule, one won't make money by donating conservation easements. Generally, conservation is the primary motivation.

In a number of Northwest communities, forestlands along the urban fringe are under increasing development pressures. Nationwide, the USDA Forest Service estimates that the United States will lose about 23.2 million acres of forestland in the next 50 years. Most of this loss is expected to occur in the Northwest states, and most of the conversion to other uses is expected to come as nonindustrial forestland is broken up for residential subdivision. This is occurring in both Oregon and Washington. Ironically, because Oregon's land use laws tend to diminish the speculative value of resource lands, your tax benefit may be lessened in Oregon as compared to Washington.

In addition, some industrial foresters might consider easements in sensitive habitat areas. In exchange for putting the sensitive habitat in conservation forever, you may be able to receive assurance that you won't be challenged as you log other areas not included in the easement. A word of caution: Both Oregon and Washington have complex current-use tax rules—the program that reduces your property taxes if you designate the properties as forestland. If you place an easement on your designated forestland that prohibits forestry and



Western Forester

Society of American Foresters

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Western Forester is published bimonthly by the World Forestry Center for the Oregon and Washington State Societies of American Foresters

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Next Issue: State Society Annual Meeting Publicity

changes the tax classification, you might be asked to pay back taxes and penalty. There are ways to work within the statutes without paying back taxes, but they are complex. Be sure to address this issue with the land trust or government agency you are working with.

Conservation easements are one tool that will keep important forestland from being converted to non-forestry uses. Some foresters find that a large block of forestland with perpetual conservation easements provides better security so that a group of "neighbors" living in large homes scattered on the forested lands nearby won't fight the harvesting.

Working forest easements will likely differ from other easements by identifying forest conservation values, establishing long-term management goals, requiring a forest management plan, containing forest inventory details in baseline documentation, and required knowledge of forest management for monitoring. The forester can and should play a critical role in each of these stages of easement drafting and monitoring.

There are over five million acres of land under conservation easements in the United States with land trusts or government agencies. And these "eased lands" are just about everywhere—from urban and suburban areas to rural and natural resource settings. In Washington and Oregon, the acres of conserved land have grown from 25,000 acres to over 60,000 acres since 1998.

While conservation easements may not be the perfect tool in all situations, they are an appropriate approach to help secure the land base you are working on for future generations of owners and foresters. When there is a conservation-minded landowner, potential for a well-managed piece of forest and optimism for the future, a working forest conservation easement may be just the solution. ♦

Glenn Lamb is executive director of the Columbia Land Trust in Vancouver, Wash. He can be reached at 360-696-0131 or glamb@columbia-landtrust.org.

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Easements Made Easy (Almost)

BY CONNIE BEST

Whether you're a registered forester or responsible forest owner, you probably know the "whys" of conservation easements. You know they can help protect your land, generate financial gains from forest stewardship, and leave a lasting legacy for future generations, in addition to their many public benefits.

Like computers and cell phone



plans, however, conservation easements come in all shapes, sizes and configurations. And a conservation easement, after all, is a long-term commitment. (Remember, easements are *permanent* deeded restrictions on land use.) With that in mind, here are some tips to help you assess what you need—and how to make sure you achieve all your management goals.

Step 1: Identify Your Goals

Before you proceed, of course, you have to know where you want to go. Which of your property's natural qualities are outstanding and in need of protection? What land uses are compatible with sustaining these conservation values? How much timber harvesting do you anticipate, and where? Is the land used for grazing? Will that continue to be a desired use?

The flip side of such questions is identifying *unwanted* uses. These can include property parcelization, houses or other structures, road placement, and certain agricultural or forestry practices. Some of these could be effectively limited or prohibited by the easement.

In addition to land management issues, it's also wise to consider the financial costs and benefits of conser-

vation. You'll want to consult with an attorney and an accountant, for example, for advice on how the types of restrictions you have in mind might affect the market value of the land and on whether to sell or donate the easement.

They say the devil is in the details, and not without reason. But with conservation easements—as with cell phone plans—it's useful to have a clear idea of what features you need, what features you'd like, and what features you can happily live without.

A land trust can be extremely helpful in guiding your exploration of options and showing you where an easement may be effective and where it may not be. Your chosen conservation partner can help you navigate the sea of details, avoid the devil and safely reach your destination.

Step 2: Choose Your Partner

Every conservation easement has two partners: the grantor, or landowner, and the grantee. The grantee, in effect, is the keeper of the landowner's vision.

Remember that by granting a conservation easement, a landowner confers certain rights to the grantee. These include the right to: (a) protect the land's conservation values; (b) stop uses that damage those values; (c) enter the property (with reasonable notice) for monitoring purposes;

The Pacific Forest Trust was founded in 1993 by concerned landowners, foresters, conservationists and some of the nation's most experienced land protection experts. Its incentives-based approach to conservation aims to keep private forests healthy, whole and productive by aligning ecological needs with economic realities. PFT created the first conservation easements on working forests in the United States, and today holds conservation easements on 35,000 acres of working forest in California, Oregon and Washington.

For 10 years, PFT has pioneered partnerships with forest owners to create capital for conservation, develop markets for "ecosystem services" like carbon sequestration, provide accessible information on new approaches to forestry, and modify regulations and taxation rules to encourage healthier management.

Headquartered in Santa Rosa, Calif., PFT also has offices in Portland and Seattle. It can be found on the web at www.pacificforest.org.

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(d) enforce terms through the courts if necessary; and (e) require restoration of damaged conservation values.

For obvious reasons, it's vital that the owner choose the right partner.

Grantees can be either state agencies or nonprofit land trusts. There are limitations on which agencies can or will hold easements, and your options will vary by state. For many landowners, of course, the less government, the better. This brings us to land trusts.

Land trusts, or conservancies, are non-governmental, charitable nonprofit organizations. Not every land trust is set up to hold easements, or is capable of knowledgeably monitoring working forest conservation easements. Your basic due diligence should start with such questions as: How long has the organization been in existence? Does it hold other, similar easements? Is it in good financial shape? Does it have a stewardship endowment (to ensure its ability to carry out its responsibilities under the easement)? Does it belong to the national Land Trust Alliance, and adhere to the Alliance's standards and practices?

Once you've narrowed the field, sit down and talk to the land trust's principals—the people with whom you'll be negotiating the specific terms of your easement. No less than your lawyer or your doctor, you want someone whose competence is unquestioned, but also someone you feel comfortable with. If all goes well, you'll be working together to steward your land for a long, long time.

Step 3: Dotting the "i"s

Now that you've settled on your goals and your partner, all that remains is hammering out a document that meets your objectives as well as your partner's. A working forest conservation easement is likely to set a goal of maintaining a particular forest type and preventing non-forest development to create a simple "short list" of logging restrictions (for lasting protection of sensitive resources), and to stipulate that operational details be spelled out in forest management and/or timber harvest plans.

Typical restrictions limit or prohibit subdivision, residential development

and agriculture, and may create special management areas for sensitive habitats. Your own easement will be tailored to your specific needs, which will probably mean two or three drafts before both parties are satisfied. Only when every "t" is crossed and "i" dotted is it time for the easement to be signed and recorded with the county. Negotiations can take as little as two months or as long as two years, depending on the size of the property, the complexity of the easement and the clarity of the landowner.

You'll also need to complete a sister document that describes the property and its conservation values. This is the "baseline report," a crucial reference point for future easement monitoring. Akin to appraisals or forest management plans, the baseline report includes written descriptions, maps, photographs and other data on the state of the property, particularly the areas affected by the easement terms. While considerable information is available for many properties, additional surveys or data collection

may be required to complete the baseline report.

Step 4: Lasting Stewardship

The grant of the easement is just the beginning of a conservation partnership between the grantor and grantee. The land trust, as grantee, will work with the landowner-grantor to make sure the easement terms are respected and the conservation values well stewarded.

Remember that any relationship worth having takes work. (So, for that matter, does finding the right cell phone plan.) But knowing what you want, and finding a partner you trust and can communicate with, will yield economic and ecological dividends for generations to come.

So good luck—and good stewardship! ♦

Connie Best is co-founder and managing director of the Pacific Forest Trust, Santa Rosa, Calif. She can be reached at 707-578-9950 or cbest@pacificforest.org.



The poster for the 2004 Innovation Fair is set against a background of a mountain range reflected in water. At the top left is the UAS logo, and at the top right is the PNW logo. The title "2004 Innovation Fair" is prominently displayed in the center. Below the title, two lines of text invite attendees to "Talk with leading forest scientists... Try out new tools..." and "Pick up free software and publications... Learn about new concepts...". The event details specify the date as February 25, 2004, from 9:00 AM to 3:00 PM, at the World Forestry Center, Miller Hall, 4033 SW Canyon Road, Portland, OR. A section titled "Information and Tools for:" lists topics such as Wildfire, Forest Dynamics, Smoke Management, Economics, Noxious Weeds, Snags and Down Wood, Fish Passage of Road Culverts, and And Much More. It also states that over 30 booths will highlight practical forest research from PNW Research Station scientists and partners. The event is sponsored by the PNW Research Station and the Western Forestry and Conservation Association. For more information, it directs visitors to the PNW Research Station Web site at <http://www.fs.fed.us/pnw> or to call Richard Zabel at 503-226-4562, with the email richard@westernforestry.org.

Navigating the Language of Conservation Easements

BY NANCY BUDGE

You've decided to donate or sell a conservation easement to protect your land from development. Or perhaps your company is considering a conservation easement for a portion of its forestlands particularly sensitive to viewshed or ecological concerns. You are working with a land trust or other qualified easement holding organization. You receive a draft of the conservation easement document and it's the first one you've ever seen. After the second or third review you want to put it down and run in the opposite direction. The language is confusing, confounding...and it's going to last forever.



In my experience, landowners tend to be both altruistic and economic. They want to do the right thing on the land and they want to do the right thing economically for their families, estates or shareholders. Consequently, sections of conservation easements that become most troubling are those associated with potential costs or risks to the landowner and those that have the biggest possible impact on future value of the property. As the landowner or the landowner representative, you have the ability to influence the language of key sections of these documents.

Potential costs and property value impacts can be both direct and hidden in the easement document. In any case, the following seven areas are most important to watch out for.

1. Definition of "Conservation Values": The definition of conservation values in a conservation easement can be very broad, such as viewshed, habitat and open space. These definitions are important because they can trigger potentially costly requirements for restoration due to "impairment of the conservation values." Be aware of how the conservation values are defined and ranked, as well as how they are

measured in the pre-conditions report to avoid unanticipated future cost obligations.

2. Direct Obligations: Obligations for a "Present Conditions Report" or "Management Plan" to protect conservation values (e.g., native species, critical habitat) need to be explicit in your conservation easement. Any implementation obligations for these plans also need to be clear. Hiring experts to study and measure ecological attributes and implementing their recommendations can be very expensive. Understand the "enforceable obligations" of your easement agreement as opposed to what might simply require "voluntary cooperation" on the part of the landowner.



PHOTO COURTESY OF NANCY BUDGE

Be specific about definitions of "Conservation Values" and future balance of uses including agriculture and working forests on your property.

3. Enforcement and Transferability: One of the roles of the land trust is to enforce the obligations of a conservation easement. Understand what might become an enforcement event (i.e., required protection or enhancement of current conservation values). The mandatory enforcement process should be clearly spelled out. Is there reasonable notice and reasonable time to correct the situation? How will mediators or arbitrators be chosen? In addition, be sure that you agree with any language that allows your easement to

be transferred to another qualifying organization for interpretation and enforcement. You may feel comfortable with the land trust you are working with today, but you also may want to have a say in who will manage your conservation easement in the future.

4. Notice and Approval: Requirements for notice and approval by the land trust are peppered throughout the language of conservation easements. It would be a good idea to go through and list every approval and notification required. Look at that list carefully. Is the list reasonable? Is the process timely? Is there recourse if the land trust or future easement holder becomes unreasonable in granting their approval?

5. Environmental Provisions: The two to three pages of CERCLA legalese about warranties, liabilities and indemnification are the most frightening of all the conservation easement sections

for the landowner. The question to ask yourself (or your lawyer) is whether the conservation easement puts you at risk for discovery of previously unknown hazardous materials (such as those from a previous owner) for new liabilities or costly duties to remediate. One wonders why this language is required in a conservation easement since land trusts have never been considered potentially responsible parties in environmental litigation. Make sure the language in your easement is related to what you are trying to accomplish with

the easement. Make sure what you agree to makes sense.

6. Condemnation/Extinguishment/

Valuation: When a conservation easement area becomes subject to condemnation, the easement holder can receive compensation equal to the ratio of the conservation easement value over the total property value at the time the easement is granted. This seems reasonable except: (a) In the case where the easement holder is a government agency that has the power of condemnation and may have a conflict of interest; or (b) Where the landowner has improved the property over time and the ratio allows the land trust or easement holder to benefit disproportionately from the landowner's investment. Therefore, the language in the easement around condemnation should include elimination of possible conflict of interest and provisions to provide for an adjusted ratio based on landowner investment.

7. Building Envelope Flexibility:

Many easements provide for construction of additional buildings or building upgrades in the future. Remember to craft a lot of flexibility in the language for these allowed uses and their restrictions. For example, avoid highly specific language about a future building's square footage, height or driveway location. The potential building may take place many decades in the future and current concepts about appropriate restrictions could conflict with future building codes, design of utility systems, water sourcing needs and other factors. Use the minimum amount of specific restrictions to accomplish the goals of the easement. One way to keep it simple is to contain a future building site to a building zone that creates plenty of flexibility, yet protects key habitat and viewshed values. This will tend to retain more

value in your property over time.

When you negotiate a conservation easement, whether you represent the landowner (grantor) or the land trust



PHOTO COURTESY OF NANCY BUDGE

Keep language about building restrictions in your conservation easement simple and flexible to retain future property values.

(grantee), think carefully about how long that language will have to last. Think about how much the world has changed in the last 50 years and how much the world will change in the next 50 years. Are you crafting a fair and robust conservation transaction or are you creating a feeding frenzy for future litigation? Conservation easements can be a great tool for enhancing landowner net worth while simultaneously building ecological value and preserving open space. It's up to all of us to make them a better tool. ♦

Nancy Budge is a consultant in Boise, Idaho, focusing on conservation products for landowners. She can be reached at 208-424-8814 or nancybudge@cableone.net.

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Implementing and Monitoring Working Forest Conservation Easements

BY MATT FEHRENBACHER

Committing to a working forest conservation easement also means committing to a long-term partnership with a land trust. Like any relationship, the success of this partnership depends on communication and trust. It's up to both parties to make it work.



The most difficult part of the conservation easement process may be selecting a land trust to hold the easement and crafting the easement itself. A working forest conservation easement restricts future land uses to ensure the forest stays as forest, protects sensitive areas or habitats, and sets long-term standards for sustainable forestry. This will vary for every property and is subject to negotiation between the landowner and land trust. Once the specific terms of the agreement are in place, however, implementation can be simple—assuming the

landowner accepts the easement terms as part of the standard management practices for the property, and the land trust accepts its obligations to monitor and potentially enforce the terms of the easement. Maintaining the integrity of the easement and stewarding the outstanding natural values of the property is a responsibility shared by the landowner and land trust.

While the landowner continues to own and operate the property, and make the day-to-day management decisions, the land trust has a special role as the representative of the public interest. The land trust holding the restricted property rights in public trust is legally and ethically obligated to both the easement grantor and the public to protect the conservation values. Land trusts fulfill this obligation through a standard review of the property conditions and management activities in reference to the easement terms, a process referred to as "monitoring."

Monitoring does not mean enforcing the easement terms. It means observing and documenting conditions and activities that may be limited or restricted by the easement to ensure the terms

are respected and maintained.

Enforcement, on the other hand, is a process that begins if a violation of the easement terms occurs and cannot be remedied between the parties.

As an assessment of compliance, monitoring is a service provided by the land trust to the public and the landowner, both of which should expect an effective and thorough process. Monitoring provides an opportunity for landowner and land trust to question and answer each other, and to share and comment on plans, while increasing the land trust's familiarity with the resources it is helping to protect. This benefits both landowner and land trust by saving time and money that might otherwise be spent addressing violations.

Monitoring is typically a visible process in which land trusts follow standard practices, including exercising the right to access the property for monitoring purposes with reasonable advance notice to the landowner. Sound easement language is the basis of sound monitoring, as easement restrictions must be measurable and enforceable. All parties involved in drafting the easement should keep this in mind. The baseline report, which documents property conditions at the time of the easement's signing, is often referenced when monitoring as the starting point for easement compliance. The baseline is a snapshot of the

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property at the time the easement is established, and should be thoroughly reviewed by the landowner before approval. Monitoring reports, produced by the land trust to document monitoring activities and results, are provided to the landowner, and together with the baseline report, provide reference points for future monitoring.

Monitoring may entail a site visit, review of aerial photos or satellite imagery, or review of plans or permits. While the landowner need not be present for monitoring site visits, it is preferable in most cases. Typically an annual process, monitoring site visits will document significant changes to the property that have occurred since inception of the easement or the last monitoring trip. These activities will provide an opportunity for the land trust and landowner to develop and maintain a working relationship.

While the primary responsibility for monitoring falls on the land trust, the landowner is responsible for sharing relevant information, such as harvest plans or volumes. This significantly streamlines the monitoring process, and is often required by the terms of the easement. The landowner may also be required to notify the land trust of pending operations, provide copies of permits and plans, and develop a long-term forest management plan. The forest management plan gives the landowner an opportunity to clearly state methods and objectives of management and provides a comprehensive source of information for the land trust. The result is clarity for both parties of what the planned operations are and how they fit within the limits of the easement.

The landowner, of course, is responsible for complying with the terms of the easement. Ultimately, ease of implementation will depend on how the easement terms may change day-to-day management of the property. Because landowners usually play a key role in designing the easement terms, they should be prepared to live up to the standards set in the easement. Landowners are also responsible for ensuring all parties involved in management of the property are aware of the easement, including staff, contractors and neighboring landowners. Third-party activities on

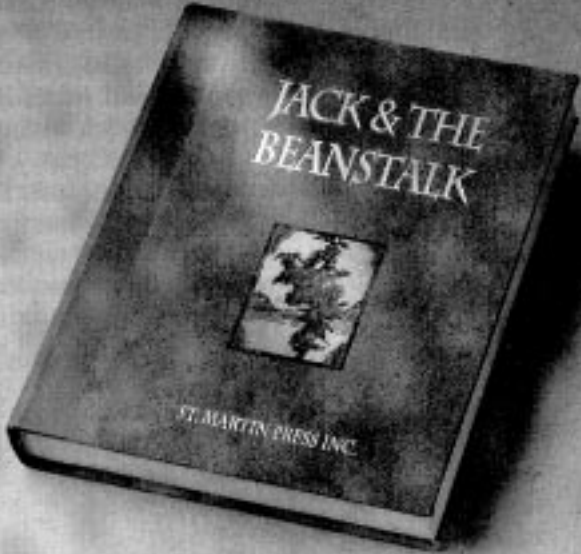
or around easement properties are a common source of violations.

As part of the monitoring process, the land trust will attempt to identify potential easement violations. Violations may exist without the landowner's knowledge—the result of a lack of clarity on specific easement restrictions or the activities of a third party. If there is an easement violation, both the land trust and landowner will almost always prefer voluntary, negotiated solutions to legal action. The easement terms may provide for arbitration or mediation as an option for enforcement of the terms. In one way or another, a land trust will enforce the terms of the easement if a violation is found. This is done to maintain public confidence in the

conservation easement as a tool for lasting conservation, to protect the investment of public dollars in easements, and to protect the land trust's status as a public charity.

As you can see, a working forest conservation easement demands a significant commitment from both landowner and land trust. But a clear understanding of each party's rights and responsibilities, buttressed by communication and trust, can go a long way toward making the relationship productive—for you *and* your forest. ♦

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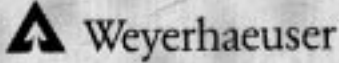


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Appraising Conservation Easements

BY KENNETH NUHN

Creating a conservation easement is a way to preserve unique property features for enjoyment by future generations, while allowing other valuable resources to be managed and used on the same land. The *Dictionary of Real Estate Appraisal, 4th Edition*, defines an easement as: "An interest that conveys use, but not ownership, of a portion of an owner's property." A conservation easement is defined as: "A restriction that limits the future use of a property to preservation, conservation or wildlife habitat." One of the important questions every potential conservation easement donor asks is, "Does this conservation idea have value to anyone other than me?" Many potential easements are delayed, rewritten, or even abandoned by trying to craft an easement before properly answering this question.

Early in the process of creating a conservation easement, the potential donor should build a team of individuals to answer questions and formulate realistic and workable terms for the easement. Include professionals familiar with property value, law, taxation, estate planning, natural resource analysis and resource management. Working with experts early allows for handling questions as they arise, and actually lowers the total cost of placing an easement.

Obtaining an appraisal is an important step in the process of creating a conservation easement on land. The conservation easement appraisal is distinct from the generic market value appraisal of real estate one normally sees. Understanding this will help



avoid frustrations, delays and errors in creating a workable and valuable conservation plan for sensitive property. Involving an experienced appraiser to provide market consultation early in the process will help the donor develop a better easement benefit at the end of the day.

At the proper time and armed with the right information, a donor and appraiser can work together to fully document the properly supported value of a conservation easement. In an appraisal of the easement, the values of the real property before and after imposition of the terms of the easement are estimated. The most important information provided by the appraisal is the market value of the interests, benefits and rights being transferred by the easement. The appraisal should highlight the property rights being transferred and the analysis of the real property market should support the market value of those rights. For instance, one term of the easement might limit (remove the right to) future development of the land, thereby maintaining a wild, raw land habitat. The local market reaction to the right to develop raw land can be measured, value estimated and the result reported.

Because a conservation appraisal is a fairly complex appraisal, finding a qualified and experienced appraiser is very important. By bringing an appraiser to the team of expert help early, market analysis can help determine whether and how the project should best proceed from an economic standpoint. This analysis can provide answers about the relative value of the easement terms at a particular time and location. The appraiser should have early communication with the experts, providing the baseline study of the physical, habitat and legal characteristics of the property. The unique features of the subject property can be compared to the market demands in the area. This information assists the donor in making early and informed decisions about the market reaction to conserving real property interests such as intensive management, development or change in use.

Many easements have been delayed by appraisals that don't meet the standards of one or more of the agencies that may be responsible for, or involved in, the easement. The appraiser should be fully qualified in the state where the property is located. Most easement appraisals should be completed by a Certified General Appraiser, preferably with some experience in the type of land or area involved. Sometimes, individuals with special experience will work with a limited or reciprocal certification from the state. They may enlist the help of local appraisers with knowledge of the local market, but without the necessary competence or certification for this complex appraisal type.

Appraisals must comply with the Uniform Standards of Professional Appraisal Practice (USPAP). Most easement appraisals must also comply with the Uniform Appraisal Standards for Federal Land Acquisitions, 2000 edition (UASFLA). This is because such easements are often reviewed by nonprofits or agencies using the UASFLA as their defined standard. The UASFLA is called a Supplemental Standard because there are several items to be addressed or reported above and beyond the USPAP.

An appraiser with this specialized knowledge, contacted early in the process, can help avoid the extra cost and aggravation of amending an appraisal where a supplemental standard is unknown and missing. With the right people and proper communication, a valuable and well-crafted easement will provide for the best interest of the land and the owner's legacy. ♦

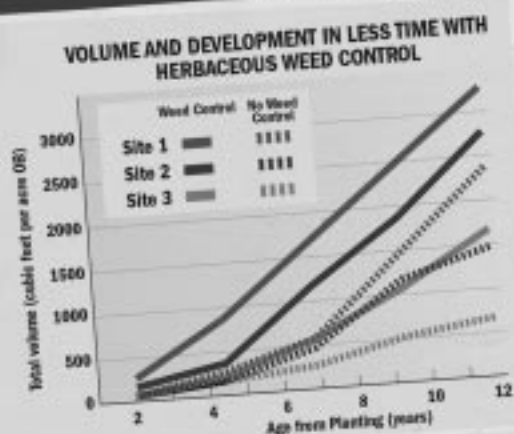
Kenneth Nuhn is a Certified General Real Estate Appraiser in the states of Idaho, Oregon and Washington. He is a principal in Columbia Natural Resource Analysis, LLC, a partnership providing analysis, appraisal and decision-making support for landowners and managers throughout the Northwest. He also teaches real estate appraisal in the College of Business and Economics at the University of Idaho in Moscow. He can be reached at 208-882-4089 or knuhn@moscow.com.



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Potlatch Conservation Easement Allows for Working Landscapes in Perpetuity

BY DENNIS MURPHY

The forestland managers for Potlatch Corporation are accustomed to management decisions that require long-term commitments.



Harvest and silvicultural decisions made today guide stand conditions toward desired objectives that may be achieved 60 to 80 years in the future. Although these long time horizons are part of the resource professional's perspective, conservation easements stretch the time frame beyond the limit of the organization's experience. This relatively new management option commits property to a working forest land use in perpetuity.

The decision to commit forestland to a conservation easement is a land-use decision voluntarily made by the landowner. As is the case with all management decisions, the conveyance of property rights to another party is an irrevocable allocation of resources. The irrevocable characteristic of the decision is held in common with harvest and silvicultural activities. For example, allocating a timber stand to a harvest schedule commits the standing inventory to log production. Once harvested, the logs cannot be erected as growing trees if the manager changes his mind



PHOTO COURTESY OF POTLATCH CORPORATION

The St. Joe River corridor in northern Idaho will remain a working forest in perpetuity through a conservation easement negotiated by Potlatch Corporation.

as a result of improved prices in log markets. When the forest manager applies fertilizer as a silvicultural investment, the chemicals cannot be retracted if the increased growth is less than predicted.

Extinguishing development rights through the sale of a conservation easement cannot be rescinded—not even if real estate development values appreciate at a rate greater than expected. This decision has important management consequences and merits deliberation by the landowner to determine if it meets management objectives. Faced with this option, the

landowner must determine the benefit.

Managers within a publicly owned corporation are challenged to increase returns on the timberland asset to retain existing and attract new investors. In the competitive marketplace, the revenues generated from historical harvest and silvicultural activities are insufficient to meet financial objectives. Assuming an average growth rate of two to three percent, combined with real stumpage appreciation rates of one to two percent annually, an objective to exceed the cost of capital (the opportunity cost of investment alternatives) is optimistic when management plans depend solely on timber production.

Many organizations have chosen to address this issue by marketing substantial portions of their timberlands to new owners who subsequently convert the land to other uses. The price paid for the land usually is substantially higher than long-term timber management values. This active property management strategy does increase cash flow, although it is not sustainable. In the absence of land acquisitions, the property sales reduce the annual

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growth due to the reduction in growing stock inventory, effectively reducing the scale of forest management operations for the firm.

Easements provide financial benefits

Potlatch Corporation analyzed the financial implications of alternative land ownership strategies in 2001 and concluded that working forest conservation easements were a viable management strategy for long-term timber production in northern Idaho.

A working forest easement provides two financial benefits to the landowner. The direct easement payment is immediate revenue. The amount of that payment is determined by an appraisal of the diminution in fair market value resulting from the restrictions imposed on the land. The landowner receives a payment today that represents development value foregone (along with other property rights restricted).

The second financial benefit is subtler, with a longer time horizon. The imposed restrictions diminish the value of the property because the easement terms create property characteristics atypical in the marketplace. Appraisers estimate the diminution and thereby determine the fair market value of the easement. As a consequence of the easement restrictions, the asset value has decreased and the purchaser compensates the owner accordingly. The reduction in asset value also reduces the cost of capital, i.e., the opportunity cost of retaining the investment in the land.

In other words, the discount rate applied to the reduced fair market value of the asset provides a lower estimate of the annual cost of capital. The net effect is the elimination of land value escalation contributed by increased demand for recreation or development property. The fair market value of the property corresponds more closely to the inherent productivity of the land to grow and harvest trees. For a landowner committed to high standards of sustainable forest management, the easement provides a much-needed financial incentive to continue forest management as the primary land use without the competition of other real estate markets.

Potlatch opted to pursue the easement strategy for its lands in northern Idaho. After seeking the advice of an experienced consultant in the field of conservation real estate transactions, a partnership developed with Trust for Public Land (TPL) to design a phased five-year project, starting in the St. Joe River Basin.

The company offered 90 percent of its Idaho ownership for consideration (600,000 acres). Because of the large geographic scale of the project, the USDA Forest Service Forest Legacy Program (FLP) was identified as a primary funding source. Funds are allocated to the state of Idaho through the national program, and administered by the Idaho Department of Lands (IDL), the grantee of the easement.

Property rights discussed

The initial terms of the easement were drafted with advice and counsel from TPL, and then negotiated with the staff of IDL. Three primary categories of property rights were addressed in the easement: (1) devel-

opment rights; (2) public access/public use; and (3) special management areas. The deed of conservation ease-



PHOTO COURTESY OF POTLATCH CORPORATION

A vicinity map shows the watersheds that encompass Potlatch Corporation's conservation easement operating area (light colored area in northern panhandle).



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ment also defines uses permitted in order to conduct the operations of a working forest.

Development rights. Easement terms that limit development include restrictions on new buildings, land subdivision and minimum size blocks of ownership. Buildings are a potential land use conversion, depending on the activities associated with the building. Several attempts to define acceptable buildings for a working forest were overly complex.

To simplify the approach, the easement requires that IDL staff review and approve all new buildings prior to construction. The review determines if the use of the proposed new structure conforms to the objectives of a working forest. No subdivisions that convert land to commercial, industrial, or residential uses are allowed.

In addition, the easement identifies aggregates of parcels that cannot be split for purposes of land sales or exchanges without approval by the state of Idaho. The objective of this restriction on minimum area is to maintain a reasonable size land area for a working forest. The terms further limit ownership transfers (sales or exchanges) by placing a two-year moratorium.

Public access and use. The easement retains the company's historical policy of open public access. The public may access and recreate on the property, provided their activities are consistent with the public use policies adopted by Potlatch and reviewed by IDL. The company will neither charge fees for access nor provide exclusive use privileges to any individual or group recreating within the easement area. The company is responsible for managing public use to ensure confor-

mance with the policies. Hunting and fishing on company lands will continue. State Fish and Game regulations apply to the sportsmen.

Special Management Areas. The third category of easement restriction addresses Special Management Areas (SMAs). TPL proposed this concept to Potlatch and IDL. Sites with characteristics that merit additional management guidelines are identified within each easement phase. The guidelines for these sites exceed the standards of the Idaho Forest Practices Act. Examples include scenic viewsheds, sites that support rare plant communities and wildlife habitat, and sensitive areas adjacent to stream management zones.

The first easement phase includes one SMA: A viewshed corridor adjacent to St. Joe River Road. The easement specifies minimum green tree retention for stands harvested within the corridor. As is the case with all the easement restrictions, the guidelines remain with the property regardless of landowner. Modification of the guidelines to address forest health conditions is possible, and requires approval by IDL.

Permitted activities defined too

Permitted forestry activities are also specified in the easement. The deed of conservation easement clearly documents the primary objective—to maintain commercial timber production as the primary land use. Initial drafts of the terms to implement this objective attempted to list or define all possible forestry operations. After much discussion, this approach was replaced with a more practical alternative: All forestry activities not prohibited by law are allowed. The activi-

ties must comply with the Idaho Forest Practices Act and the landowner forest stewardship plan.

The project partners closed the first easement transaction covering 2,700 acres in September 2003. Annual monitoring of the easement area by IDL begins in 2004. Subsequent phases are in process. An FLP grant was awarded to IDL for the second phase of the project scheduled to close by September 2004. This second phase will encumber 15,000-20,000 acres. TPL and Potlatch submitted a grant application for fiscal year 2005 that requests funds to expand the easement by adding 50,000 acres in the St. Joe River Basin. Successful closing of these three phases will be followed by projects in adjacent basins in the company's operating area.

The phased approach for the effort was designed partly for Potlatch staff to gain experience in this new endeavor, starting with a small Phase I transaction. Phasing also allows TPL time to develop the critical fundraising effort, the results of which will determine the total land area covered by easements. The 600,000 acres offered for consideration is an aggressive target. However, landscape-scale working forest easements offer the benefits anticipated by the landowner, the community and the conservation supporters. Easement purchases for large land areas provide the landowner with the incentive to financially compete with alternative land uses. The resulting long-term commitment to timber production benefits the community with employment in the woods and mills while supporting outdoor recreation opportunities close to home. Finally, a landscape-level network of special management areas protects sensitive lands that extend beyond individual parcels. The conveyance of well-defined property rights may become an essential management strategy for a landowner to maintain the working landscapes of northern Idaho in perpetuity. ♦

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Dennis Murphy is manager of the Property Management Team for Potlatch Corporation in Lewiston, Idaho. He can be reached at 208-799-1156 or dennis.murphy@potlatchcorp.com.

Council Continues to Look Strategically

BY ANN FOREST BURNS

Snow fell as Council held its last meeting of 2003 at Wild Acres in Bethesda, Maryland, December 6 and 7. The representation of Upper



Lefthand Corner by Darrel Kenops (District II) and myself (District I) was further enhanced by the good work of 2003 Vice President John Beuter and the insights of WSSAF Chair/2004 HSD Chair Nancy Peckman. Wild Acres is beautiful in the snow. I am sure my own enjoyment was enhanced by having no direct responsibility for my transportation from point to point.

Council continues to focus its attention on progress toward its adopted strategic outcomes. Darrel and I are grateful to the Northwest Office and to our state societies, which helped us organize our year-end reports of your accomplishments along these lines, as well. We are proud of what you have done. When your work is aggregated with that of other state and local units under the strategic outcome headings, it becomes clear that SAF is making great strides in carrying out its mission. We encourage you to continue to explore the advantages of using the strategic planning process as you plan your activities for 2004. The 2004 strategic plan can be viewed at www.safnet.org/who/2004strategicplan.cfm. Please let us know how it is working for you.

Effective Engagement in Forest Policy. Council acted to adopt two new position statements: International Trade in Forest Products and Professionalism in Natural Resource Management. Both are available for your review and use at www.safnet.org/policyandpress/positionstatements.cfm. The good work of WSSAF member John McMahon on the national Policy Committee is evident in these two statements.

Enhanced Professional Education and Services. Council adopted a recommendation of HSD urging that forest certification standards recognize the role SAF and similar natural resource professional organizations play in supporting sustainable forestry through training, such as Certified Forester® and public outreach. This HSD proposal originated from WSSAF.

The Code of Ethics adopted in 2000 was a continuing topic of discussion. Although the 2000 referendum passed by a vote of 73 percent, dissatisfaction continues to be expressed by some members. Council did recommend changes at this time or ask for further review by the Committee on Ethics. This topic will continue to be a topic of deliberation by Council. Please share your thoughts and those of your SAF unit with us at the email addresses shown at the end of this report.

The highly successful format of the Buffalo Convention will be used again when SAF holds its joint general annual meeting with the Canadian Institute of Forestry in Edmonton, Alberta, October 2-4, 2004. A joint meeting with the CIF is held only once each decade. Plan now to take advantage of this opportunity for professional education and fellowship in Canada.

Enhanced Leadership Capability. National Leadership Academy will take place May 22-25, 2004, at the Lied Conference Center, Nebraska City. This is an outstanding opportunity for any member of SAF to gain a greater understanding of the structure of SAF and how to influence both the organization and the future of the profession. Local units as well as state societies are urged to identify and facilitate the attendance of current and future leaders. The estimated cost per person, including tuition, lodging and meals, is \$1,000. A training opportunity of this caliber would cost considerably more if offered by a private consultant. Louise Murgia, (murgial@safnet.org) has the answers to your questions.

Membership. Membership numbers continued to decline in 2003. While this is a trend for all professional

societies at this time in history, it is a matter of concern that calls for action at all levels of SAF, from the individual member through Council. Please join your leaders in promoting SAF membership. Membership applications, as well as reinstatement and renewal forms are available online at www.safnet.org/join.cfm.

Last June, Council appointed a subcommittee to work jointly with the Committee on Professional Recognition to review the process by which Fellows are selected. My thanks to those who have responded to my earlier request for your ideas about this. The subcommittee continues its work. If you have thoughts on how the system might be modified to better serve the needs of the Society, please forward them to me.

Incoming President John Beuter announced Council committee appointments for 2004. District II Council Representative Darrel Kenops will serve on the Strategic Planning Committee. I will continue to serve on the Executive Committee and as Council liaison member of the Renewable Natural Resources Negotiating Committee.

Darrel and I look forward to serving you in 2004. We thank you for your continued support of SAF. ♦

Ann Forest Burns, CF, represents Washington State, Inland Empire and Alaska SAF as council representative for District I. She can be reached at 206-527-5942 or aforestburns@msn.com. District II Councilman Darrel Kenops, CF, representing Oregon SAF, can be reached at 541-741-3466 or dkenops@comcast.net.

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IE Meeting to Look at Past to Get to the Present

BY MARIANN JOHNSTON

The Inland Empire Society of American Foresters' 2004 annual meeting, entitled *Stepping Back to Look Forward: The Story of Forests in the Inland Northwest*, is scheduled for March 11-12 at The Forum in Sandpoint, Idaho.

Invited speakers will review the various events that have shaped the modern forested landscape of the Inland Northwest, beginning in geologic history. Paleogeologist Bill Rember will recount the story of ancient flora and fauna as conveyed by area fossils, and geologist Dave Alt will describe the great Glacial Lake Missoula floods that periodically swept across the region. Native American use of the forests and surrounding landscapes will be discussed by archeologist Robbin

Johnston of the Clearwater National Forest.

Moving forward in time, a history of the early Inland Northwest timber industry will be presented by Tom Sandberg of the Idaho Panhandle National Forest. Lauren Fins and Paul Zambino will provide a synopsis of the history of the renowned western white pine and attempts to fight its demise due to blister rust. Earl Bennett, a geologist and well-known north Idaho mining historian, will discuss the development of the area's mining industry, and Jim Peek, retired University of Idaho faculty member, will present an informative history of wildlife and wildlife management in the region. The historical portion of the meeting will conclude with a review of the effects of fire on Inland Northwest forests by noted author and fire ecologist Steve Arno.

The meeting will then look to the

current and future status of our region's forests, including a presentation by Mark Petruncio on restoration efforts by the Yakama reservation, and observations on the modern-day forest industry by Mark Brinkmeyer of Riley Creek Lumber Company.

The keynote speaker at Thursday night's banquet dinner will be Jack Nisbet, author of the book *Sources of the River*, which explores the observations of fur trader and surveyor David Thompson on his travels across the Rocky Mountains and the Inland Northwest. SAF President John Beuter will speak at Thursday's Awards Luncheon.

Meeting organizers are excited with the direction and tone of the upcoming meeting. "We hope to attract interest from a broad spectrum of people interested not just in modern-day forestry, but in the history of our region's forests," says Dennis Parent, chair of the program committee. The meeting is designed to bring together experts and non-experts alike to share in the story of our forests in a relaxed and conversational atmosphere.

The location of Sandpoint, Idaho, was chosen in part because it offers much in the way of recreational activities and sites of historical significance. Because of the broad scope of interest that this year's meeting is expected to generate, SAF members are encouraged to register early. Due to facility size limitations, meeting enrollment will be capped at 200.

The registration fee of \$85 will include two continental breakfasts, all breaks and the March 11 Awards Luncheon. Early-bird registration must be received by February 13; after this date the registration fee will increase to \$105. For meeting information and registration, contact Program Chair Dennis Parent at 509-924-1911 or dparent@my180.net, or visit the meeting website at www.webpages.uidaho.edu/~mariannng/. ♦

Port Angeles Meeting to Focus on Wildlife Interactions

The 2004 Washington State Annual Meeting will be held on May 12-14 at the Red Lion Conference Center in Port Angeles. Hosted by the Admiralty Inlet and North Olympic chapters, the theme for the meeting is *The Managed Forest and Wildlife Interface*.

Current plans are to have three panel presentations on Thursday and related field tours on Friday. The Biology/Science panel will present wildlife responses to various timber harvest activities. The Existing Wildlife Management Plans panel will discuss existing habitat management plans, and the Policy panel will present different visions of the appropriate contribution of different forest landowners to wildlife habitat diversity.

Port Angeles is a beautiful community located on the north coast of the Olympic Peninsula. A short drive to Hurricane Ridge offers easy access to alpine meadows, mountain views and a variety of trails. The Red Lion Conference Center is located next to the Coho Ferry to Victoria, British Columbia. Walk-on day trips are very inexpensive. A block of rooms are reserved at the Red Lion. Watch for additional information in the next issue of the *Western Forester*. All WSSAF members will receive a meeting flyer in the mail in the spring.

For additional information, contact General Chair Harry Bell at harry@greencrow.com or Exhibitor Chair Wes Wasson at ws@olynet.com. ♦

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Mariann Johnston is communications chair for the 2004 IESAF annual meeting. She can be reached at 208-885-3734 or mariannng@uidaho.edu.

Kids Day Enhances Collaborative Efforts



BY DICK POWELL

The Mary's Peak Chapter of the Oregon Society of American Foresters led the effort to create an event called Kids Day for Conservation (KDC) held September 2003 in Corvallis. The intent of KDC was to present an event that was fun, free, hands-on, family-oriented, educational and natural-resources related.

The idea for KDC came from Wenatchee, Wash., where an insurance agent with a long-time interest in Ducks Unlimited initiated a similar event in the early 1990s. He brought together roughly two dozen organizations with natural resources interests.

We differed from Wenatchee's KDC in that we brought together a larger and much more diverse group of organizations. The idea for this strategy came from the National SAF meeting held in Washington, D.C. in 2000. Attendees at this meeting went through a process to identify the most pressing issues in forestry. The one issue that came up as far and away the most pressing was ending the "war" between the forestry and environmental communities. Too many of us only talk to each other when we are pointing fingers and shouting. Since none of us is going away, we thought we should put aside our differences and talk with each other. We thought we could collaborate on something that we could all agree on.

To that end, a firm, non-negotiable ground rule was that none of us would engage in any politics or lobbying. Further, we simply called it Kids Day for Conservation and no one, including SAF, claimed sponsorship of the event. (It is likely most of our partners didn't even realize that SAF took the lead on this!) This was to prevent the perception that this was either an "environmental" event or a "timber" event. We did not want to turn off or turn away either our partners or the public. We wanted to preserve our credibility.

Over 30 organizations took part in KDC and represented private businesses and non-profits to county,

state and federal agencies. These ranged from those who are popularly perceived as those who "kill" trees to those who "preserve" trees.

So long as the activities were fun, free, hands-on, family-oriented, educational and natural-resources related, and there was no politics or lobbying, each participating organization was free to present an activity of their choosing. As a result, the kids got to make bird houses, "dirt" babies, fish paintings and "living" necklaces; bend water; bore a tree; see a fire table and watch a forest fire race up a hill and burn a house; find birds and trees; hold snakes and turtles; watch electricity jump from a power line and race down a kite string; climb a wall; shoot arrows; touch furs and skulls; and go fishing.

Approximately 800 people attended KDC and the comments received at the exit survey were glowing. One home-school mom said she had expected to spend only an hour or two but stayed 4-1/2 hours. Another mom said her six year-old son had a fit when they had to leave after only 2-1/2 hours! Next year, a sixth-grade science teacher said she will offer this as extra credit for her students.

In our debriefing, all our partners



SAF member and family forest owner Sara Leiman shows a participant how an increment borer is used.

PHOTOS COURTESY OF DICK POWELL



Gary Springer, Mary's Peak Chapter chair, talks tree rings with youngsters at Kids Day for Conservation.

in KDC were very pleased with the event. Given the overwhelmingly positive reaction to Kids Day for Conservation, we are going to make this an annual event. ♦

Dick Powell is a former Mary's Peak Chapter chair and led the Kids Day for Conservation effort. He can be reached at 541-929-2477 or dick@starkerforests.com.

Lorenz and Bowers Elected

Chuck Lorenz and Sue Bowers were elected chair-elects of the Washington State SAF and Oregon SAF, respectively. They will become chairs of their state societies in 2005. Peter Heide, WSSAF, and John Herbst, OSAF, are this year's chairs.

Chuck is currently staff forester for the IRS and has served in many SAF positions including chair of the Southwest Washington Chapter and most recently as secretary of WSSAF. Sue is the owner of Sylvan Kore and does consulting work mostly in the

areas of forestry and education. She has served in many SAF positions, including Emerald Chapter chair and co-chair of both the education and membership committees.

Lena Tucker of the Central Oregon Chapter was elected to the office of Oregon SAF delegate-at-large.

On the national ballot, 53 members were elected SAF Fellow. Fellows are SAF professional members who have been identified by their peers as having rendered outstanding service to forestry and the Society. Oregon

members Steve Cafferata, George Chesley, Fred Hall, Tom Ortman, Bob Sanders, Tom Scoggins and Bob Weinberger were all named Fellows. Washington State's B. Bruce Bare, Pat McElroy and Winton Wefer were voted Fellows, as was Kirk David of the Inland Empire SAF.

District I and II did not vote for new Council representatives. Darrel Kenops will finish up his third and final year as District II councilman this year. Ann Forest Burns is currently serving in her second year of service.

In other national news, 2003 WSSAF Chair Nancy Peckman was elected chair of the House Society of Delegates for 2004. For more information on what HSD is and does, go to www.safnet.org/who/hsd.cfm.

A full rundown of the national election results can be viewed at www.safnet.org/who/2003national-elections.cfm. ♦



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We Remember

John Callaghan 1915-2003

John Callaghan passed away November 27, 2003. Born in 1915 in Sites, Calif., Mr. Callaghan graduated with a forestry degree from the University of California, Berkley. His distinguished forestry career spanned 21 years with the California Division of Forestry, including nine years in Redding, Calif., as forest ranger, then back to Sacramento, where he rose to the position of chief deputy state forester.

In 1959 he retired from state service and began a new career as executive vice president of the California Forest Protection Association, retiring in 1977.

Throughout his career he was an active member of the Society of American Foresters, served as president of the Western Forestry and Conservation Association, and received many awards in connection with natural resources, as well as the California Legislature. He and his wife Lois moved to Portland, Ore., in 1988.

He will be remembered as a kind and caring man who loved to travel and see the landscape of all of America and Europe. He enjoyed camping, golf, fishing, reading and dancing. ♦

Calendar of Events

UNIVERSITY-SPONSORED EVENTS

Course	Dates	Sponsor	Location
Forest Products Management Development	Feb. 22-25	OSU	Corvallis, OR
Creating Fire-resilient Landscapes	Mar. 8-12	OSU	Medford, OR
Advanced GIS Applications in Natural Resources with ArcGIS	Mar. 18-19	OSU	Corvallis, OR
Human Dimensions of Family and Farm Forestry International Symposium	Mar. 28-Apr. 1	WSU	Pullman, WA
Variable Probability Sampling	Mar. 29-Apr. 2	OSU	Corvallis, OR
Oregon's Forest Sector: Enhancing its Economic Contribution and its Relationship To Global Forest Sustainability	Apr. 28-29	OSU	Portland, OR
Introduction to GIS Applications in Natural Resources with ArcGIS	May 6-7	OSU	Corvallis, OR

OTHER EVENTS

Cable Logging Workshop, Feb. 23-26, Corvallis, OR. Contact: Forest Engineering.

A Changing Alaskan Forest Ecosystem, Feb. 24-26, Land's End Resort, Homer, AK. Contact: Roger Burnside at 907-269-8460 or INFEST@dnr.state.ak.us; www.borough.kenai.ak.us/sprucebeetle/.

Innovation Fair, Feb. 25, World Forestry Center, Portland, OR. Contact: WFC.

Oregon Logging Conference, Feb. 25-28, Eugene, OR. Contact: Oregon Logging Conference at 541-686-9191 or www.oregonloggingconf.com.

Unit Planning & Layout, March 1-4, Corvallis, OR. Contact: Forest Engineering.

Eastern Oregon Small Diameter Wood Products Fair, March 2-3, Blue Mountain Conference Center, LaGrande, Ore. Contact: Annette Christoffersen at 541-426-2311 or achristoffersen@eoni.com.

2004 Oregon Small Woodlands Association Annual Meeting, March 19, Chemeketa Community College, Salem, OR. Contact: Mark Havel at contact@futureforestry.com.

Tree School, March 27, Clackamas Community College, Oregon City, OR. For registration materials, contact Judy at the Clackamas County OSU Extension Office at 503-655-8631.

Fuel Reduction on Steep Slopes Using Cable Systems, March 29-30, Coeur d'Alene, ID. Contact: Forest Engineering.

Professional Timber Cruising, April 7-8, Beaverton, OR. Contact: Atterbury.

GPS for Mobile Professionals, April 21, Beaverton, OR. Contact: Atterbury.

36th Annual Air Pollution Workshop, April 26-29, Rhinelander, WI. Contact: David F. Karnosky at 906-487-2898 or karnosky@mtu.edu.

Wildlife Damage Management for Natural Resource Managers, April 27-28, Olympia, WA. Contact: WFC.

Washington Farm Forestry Association Annual Meeting, April 29-May 1, Lake Chelan, Wash. Contact: Maurice Williamson at 509-684-8550 or general@williamsonconsulting.net.

Forestry Databases: Do More with What You Have, May 4-5, Wilsonville, OR. Contact: WFC.

OSAF Annual Meeting, May 5-7, Southern Oregon University, Ashland, OR. Contact: Steve Armitage at 541-618-2333.

Forest Seedling Root Development from the Nursery to the Field, May 12-13, Eugene, OR. Contact: WFC.

WSSAF Annual Meeting, May 12-14, Port Angeles, WA. Contact: Harry Bell at 360-452-3325 or harry@greencrow.com.

SuperACE98/Users Seminar, May 19, Beaverton, OR. Contact: Atterbury.

ArcReader Training, May 20, Beaverton, OR. Contact: Atterbury.

Cable Logging, May 25-28, Vernon, BC. Contact: Forest Engineering.

Unit Planning & Layout, May 31-June 3, Vernon, BC. Contact: Forest Engineering.

Western Forestry and Conservation Nursery Association Annual Meeting, June 26-29, Medford, OR. Contact: WFC.

Ecological Society of America, National Meeting, August 1-6, Portland, OR. Contact: Fred Hall at 503-285-8729 or Fred_C_hall@plantecolnw.com.

Effects of Management on Productivity of Western Forests, Sept. 20-23, Olympia, WA. Contact: WFC.

Contact Information

OSU: OSU College of Forestry Outreach Education Office, Peavy Hall 202, Corvallis, OR 97331-5707; 541-737-2329; <http://outreach.cof.orst.edu/>.

WSU: Department of Natural Resource Sciences, Cooperative Extension, Washington State University, P.O. Box 646410, Pullman, WA 99164-6410; 509-335-2963; <http://ext.nrs.wsu.edu/>.

WFC: Western Forestry & Conservation Association, 4033 SW Canyon Rd., Portland, OR 97221; 503-226-4562; richard@westernforestry.org; www.westernforestry.org.

Forest Engineering: 620 SW 4th St., Corvallis, OR 97333, 541-754-7558, office@forestengineer.com.

Atterbury: Atterbury Consultants, 3800 SW Cedar Hills Blvd., Suite 120, Beaverton, OR 97005; 503-646-5393; fax 503-644-1683; jaschenbach@atterbury.com; www.atterbury.com.

Send calendar items to the editor, *Western Forester*, 4033 SW Canyon Rd., Portland, OR 97221; fax 503-226-2515; rasor@safnwo.org. The deadline for the March/April 2004 issue is February 16.



OSAF Foundation Forum

\$1,000 Available to Oregon SAF Units

Established in 1985, the OSAF Foundation (OSAFF) is a vehicle to provide college scholarships for forestry students at Oregon State University. The foundation may also provide funding for other forestry educational projects. Each year the Board of Trustees meets to allocate available funds, which are managed through the Oregon State University Foundation. The balance as of September 30, 2003, was \$226,000. At press time in December 2003, contri-

butions were \$14,035, of which \$10,000 was a gift from Stub Stewart. Thank you Stub!

Each year, 4.5 percent of the balance is placed in an operational account that is used to award scholarships, pay for operating expenses and to fundraise. The current operational account is nearly \$20,000. For 2004, OSAFF will offer three \$4,500 college scholarships. College students must be full-time OSU forestry students and be in the upper 25 percent aca-

demically. OSAFF will also offer a \$1,000 grant for a worthwhile educational project. **The foundation board is soliciting project proposals and will choose the winner of the educational project scholarship by April 30.** Please have proposals submitted the Northwest Office by April 23. All chapter chairs are encouraged to submit a proposal.

College scholarship recipients will be announced at the Fernhopper banquet later this year. The recipient(s) of the educational project scholarship will be announced at the OSAF annual meeting. If you would like to contribute to the foundation, please contact the Northwest Office for further details. Your tax deductible contribution will be greatly appreciated and put to good use. ♦

—Jerry Anderson
OSAF Foundation Chair

Forest Research, Practices and Products Critical to the Future of the Forestry Profession

The Siskiyou Chapter is hosting the 2004 Oregon SAF Annual Meeting in Ashland May 5, 6 and 7 and visiting all three of these topics. We will feature presentations on past, present and future related issues from leading scientists, experienced land

managers and forest products experts. Please set these dates aside and join us.

We will be kicking off the session on Wednesday morning with an OSAF Executive Committee meeting that will accommodate an audience of non-

committee members. We are hoping that many of our members can arrive in time to sit in on this meeting and get insight into current issues before us. Wednesday afternoon we will be trying something different and having field trips scheduled at the start of the meeting to help get you all in a good mood for the sessions.

Thursday morning, following the alumni breakfast, Hal Salwasser, dean, College of Forestry, Oregon State University, will kick off the session as our keynote speaker. Congressman Greg Walden has been invited and pending his legislative schedule, his office has agreed to have Congressman Walden give us the latest on forest-related legislation.

Look for more details in the next issue of the *Western Forester* and the spring mailing of registration materials. The event will include vendors and a poster session Wednesday and Thursday evenings. Potential exhibitors should contact Rich Conner at RichConner@boisebuilding.com or 541-776-6737. For program information, contact meeting chair Steve Armitage at Steve_Armitage@blm.gov or 541-618-2333. ♦

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INFO Acquires Mapping Company

International Forestry Consultants, Inc., (INFO) of Bothell, Wash., has acquired Resource Mapping and Management (RMM) of Bellevue, Wash. The two firms have merged under the INFO name. Their new contact information is 11232 -120th Ave. N.E., Suite 201, Kirkland, WA 98033; phone 425-822-5915; fax 425-822-5975; INFO@INFOrestry.com.

INFO was formed in 1966 and is currently owned by Tom Hanson, president, who has been with the firm since 1971. RMM was formed in 1972 by Bob Marx, who is retiring. Dennis Dart assumes the vice president role. Other INFO staff members include Ted Hitzroth, Bob Layton, Dan Thomas and Carla Boshart. Members of the staff are SAF certified foresters and ISA certified arborists.

INFO will continue to offer timber appraisal, timber cruising, forest practices permitting, urban forestry and litigation support, as well as expanded GIS mapping services. Real estate brokerage, timberland feasibility analysis and land use planning are also offered. INFO manages over 16,000 acres of forestland in the state of Washington that is certified under the Sustainable Forestry Initiative Program (Seefeld Corp., Penguin Forests, Inc. and P.B. Lumber L.L.P.). ♦

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Forest Supervisor Kenops Retires

Forest Supervisor Darrel Kenops retired in January after 40 years in the USDA Forest Service. Darrel most recently served as interim forest supervisor at Sierra National Forest in Clovis, Calif. Darrel is a member of the SAF and District II Council representative. He has also served on a number of SAF committees at the national and state society levels and is a past chair of the Inland Empire Society.



"From his service as deputy forest supervisor of Siuslaw National Forest at Corvallis to a decade as the Willamette National Forest supervisor in Eugene, Ore., to his recent interim assignment as the Okanogan-Wenatchee National forest supervisor in Wenatchee, Wash., he has contributed in many ways to forestry, natural resources and rural community development in the Pacific Northwest," notes Regional Forester Linda Goodman.

Kenops worked in Oregon, Washington, Idaho, Montana, South Dakota, Wyoming and California during his career.

As chair and Forest Service representative to the Oregon Rural Development Council, he worked with U.S. Senator Mark Hatfield to establish the Opal Creek Wilderness and the Opal Creek Scenic Recreation Area, and he has teamed up with colleagues to successfully bring forth other important projects and proposals.

"It's been a great career and together we accomplished results important to the forest, citizens and communities in the West," says Kenops. "We fought many fires together, we weathered protests and litigation, we pioneered approaches to help rural communities and we worked in science-manager teams such as that in H.J. Andrews Experimental Forests to tackle the issues, topics and questions of the day."

Kenops also worked at the state level in Oregon and South Dakota. Most recently he served on Oregon Governor's John Kitzhaber's natural resource staff, and earlier in his career worked with South Dakota Governor George Mickelson and community leaders to plan, design and establish the 100+ mile Rails to Trails system.

Darrel will remain active in forestry and community development matters in Oregon and the Pacific Northwest. ♦



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Policy Scoreboard

Editor's Note: To keep SAF members informed of state society policy activities, Policy Scoreboard is a regular feature in the Western Forester. The intent is to provide a brief explanation of the policy activity—you are encouraged to follow up with the listed contact person for detailed information.

Forestry and Salmon Position Statement Expired. The SAF regional position statement on Forestry's Role in the Protection of Pacific Salmon Habitat in Forested Watersheds expired in September 2003. Renewal of this statement will depend on the involvement of SAF units in Alaska, California, Idaho, Oregon, and Washington. Contact John Ehrenreich, WSSAF Policy co-chair, 360-705-9285; jehrenreich@wfpa.org.

International Trade Position Statement. Thanks to the hard work and persistence of WSSAF member John McMahon, a member of the SAF Committee on Forest Policy, the SAF Council approved a new position statement on International Trade in Forest Products, available online at www.safnet.org/policyandpress/positionstatements.cfm.

Update: President's Healthy Forests Initiative. The U.S. Forest Service website (www.fs.fed.us/projects/HFI.shtml) is a good source for keeping up to date on the many policy activities associated with the President's Healthy Forests Initiative, including the Healthy Forests Restoration Act signed into law on December 3, 2003. Contact: Jay O'Laughlin, IESAF Policy chair, 208-885-5776; jayo@uidaho.edu.

Risk Assessment and Uncharacteristic Wildfire. Risk-based decision-making undergirds our

environmental laws, and consideration of wildfire risks and risks to endangered species habitats are at the center of many forestry debates. A November 2003 conference on Risk Assessment for Decision-Making Related to Uncharacteristic Wildfire in Portland was convened to develop tools and information necessary to assess risks and benefits associated with restoration to prevent uncharacteristic wildfire, and the risks and benefits of no such restoration. PowerPoint presentations given during the conference will be available at <http://outreach.cof.orst.edu/riskassessment>. Presented papers are being reviewed and edited for a special issue of *Forest Ecology and Management*, an international journal, to be published later this year. Contact: Jay O'Laughlin, IESAF Policy chair, 208-885-5776; jayo@uidaho.edu.

Forestry Day at the Idaho Legislature. The Inland Empire SAF and the Intermountain SAF are jointly sponsoring an information program and box luncheon for Idaho legislators on Presidents' Day, February 16. This is the sixth year in a row the SAF has conducted an outreach education activity for legislators. Contact: Jay O'Laughlin, IESAF Policy chair, 208-885-5776; jayo@uidaho.edu.

OSAF Members Strongly Endorse New and Revised Position Statements. Based on a referendum sent recently with ballots for state officers for 2004, OSAF members gave very strong support to four position statements approved earlier in 2003 by the OSAF Executive Committee. The positions include: Active Management to Achieve and Maintain Healthy Forests; Salvage Harvesting; Clearcutting; and Using Pesticides in Forests. With a return rate of 32 percent, member support for the individual positions ranged from 96 to 99 percent. Although not required under SAF policy guidelines, OSAF uses the referendum approach to strengthen the credibility and member understanding and ownership of the positions. Given the timeliness and visibility of the forest health and

salvage harvesting issues, OSAF members are encouraged to make use of the positions to help convey their professional forestry views to key decision makers and the interested public. All of the statements are on the OSAF website (www.forestry.org). Contact: Paul Adams, OSAF Policy chair, 541-737-2946; paul.adams@oregonstate.edu.

Two Ballot Initiative Petitions Approved for Signature Gathering.

Two forestry-related ballot initiatives were approved for signature gathering this past fall, and two others may be approved by early 2004. All are statutory measures, which require 75,630 valid signatures by July 2, 2004, to qualify for the November 2, 2004, statewide ballot. Initiative Petition #65 has been called the Tillamook-Clatsop "50-50 Plan," as it would require that 50 percent of these state forests be managed for "old-growth timber restoration" and the balance for timber production under directives from a science advisory team. Although not yet approved for signature gathering by mid-December, Initiative Petitions #119 and #120 were filed by one of the chief petitioners of #65, and thus appear to represent a "ballot title shopping" case in which similar petitions are used to identify one with the greatest public support.

Initiative Petition #56 has a certified ballot title that "Requires, defines sustainable timber harvest practices and organic pest controls on state and private forest land." The Chief Petitioner of #56 was a co-petitioner for Measure 64, as well as two similar initiatives (Initiative ID 72 and Initiative Petition #11) that did not reach the 2000 and 2002 ballots. Initiative Petition #56 retains some language and emphasis from Measure 64 and the other initiatives, including major restrictions on clearcutting and chemical pesticides, although there is no prohibition of harvesting trees 30 inches dbh or greater. The text and status of Initiative Petitions #56, #65, #119 and #120 can be found at the Secretary of State's web site at: www.sos.state.or.us/elections/other.info/irr.htm. Contact: Paul Adams, OSAF Policy chair, 541-737-2946; paul.adams@oregonstate.edu.



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WSSAF Policy Committee. Don Hanley, WSU (attached to UW), and Doug Stinson, family tree farmer and Tree Farm Committee Chairman, join Sonny O'Neal, retired USDA Forest Service; Gretchen Nicholas, Washington State DNR; John Ehrenreich, Washington Forest Protection Association; and Bob Dick, American Forest Resources Association, on the Washington State Policy Committee. Recent policy actions include communication to all of the state's Washington, DC, delegation urging them to support the Conference Report on HR 1904, the Healthy Forests Restoration Act. Contact: John Ehrenreich, WSSAF policy co-chair, 360-705-9285; jehrenreich@wfpa.org.

SAF Testimony before the State Board of Natural Resources (BNR). 2003 State Chair Nancy Peckman testified to the BNR in November on the sustained yield calculations for state trust forestlands. Following approved WSSAF policy statements, Nancy asked the board to review all existing constraints on management and remain open to opportunities for silvicultural management to offset reductions in harvest associated with habitat conservation. Above all, Nancy reminded the board that keeping the land productive is the best way to assure plentiful forest habitat into the future. Contact: Bob Dick, WSSAF Policy chair, 360-866-4065; bdick@afrc.ws.

Position Statements Approved. By a vote of 191 in favor to nine opposed, both the Forest Health and Active Forest Management position papers that went before WSSAF voting members for ratification were approved. A total of 620 voting members received ballots, and 200 ballots were returned for a return rate of 32.3 percent. ♦

New Professorship Honors Aerial Logging Pioneer

Nancy Lematta, the wife of Columbia Helicopters chairman and co-founder Wes Lematta, has made a gift of \$1 million to create an endowed professorship in the College of Forestry at Oregon State University.

The Wes Lematta Professorship in Forest Engineering will enhance teaching and research in methods of safely and efficiently removing timber from forests while protecting water, soils and other resources, and will help resolve other engineering challenges relating to forest management.

"I am delighted by this investment in the future of our students, programs and faculty," said Steve Tesch, head of the Department of Forest Engineering. "This gift helps ensure an excellent education for forest engineering students."

He said that in addition to teaching, the Wes Lematta Professor will work to develop science-based forest management techniques that meet the needs of industry, agencies and small woodland owners while "minimizing the environmental footprint of logging." Tesch added that the professorship is "a fitting tribute to Wes Lematta, who is a strong proponent of the wise use of natural resources and a respected pioneer of aerial logging."

Wes Lematta, who co-founded Columbia Helicopters in 1957, engi-

This gift helps to ensure an excellent education for forest engineering students.

neered a logging technique known as direct visual operational control, which enables a pilot to lean safely out of the cockpit window and maneuver a hook at the end of a 200-foot cable suspended from the helicopter's fuselage. Using this method, a pilot can deliver up to 14 tons of logs from the forest floor to the landing zone and make a round trip about every three minutes.

Today, Columbia Helicopters, headquartered in Aurora, Ore., is the world's largest aerial logging operation.

With the creation of the Wes Lematta Professorship, the College of Forestry now has eight endowed faculty positions. The endowed appointment is expected to be made in early spring. ♦

Stone Awarded CFE Award

William E. (Bill) Stone, CF, was awarded the Continuing Forestry Education Certificate of Accomplishment from the Society of American Foresters national office of Science and Education on November 12, 2003.

Bill, who is a member of the South Puget Sound Chapter, applied for his CFE Certificate late this past summer. He easily exceeded the 150 hours required within a three-year period within the specified categories. Bill attended many different educational and training events that added to his forestry knowledge. In addition, he participated in quite a few events that allowed him to contribute in a greater way to his community and the forestry profession. Congratulations Bill!

For additional information on the CFE program, visit www.forestry.org/ce/index.html. ♦



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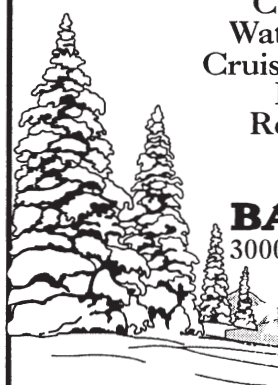
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