



ACF NEWSLETTER

Capitol Commentary

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ACF Newsletter

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December 2004

Dear ACF Members,

In this holiday season I'd like to take this opportunity to reflect on how lucky we are and to thank all of the volunteers in ACF who make this world a better place.

I feel very fortunate to have the opportunity to work for an organization that I care about. I am proud of you and the important work that you do. Living just outside Washington, DC, I am surrounded by those who preach but cannot perform and those who make their living influencing or feeding at the government trough. It's rewarding to work everyday with consulting foresters who actually produce something that contributes to the well being of their communities and the world.

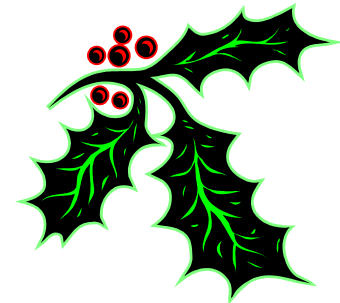
Put more simply, trees matter. Healthy forests contribute to the economic fortunes of rural communities that are the legacy of the pioneers, farmers and ranchers who made America what it is today. Trees also contribute to the quality of every breath we take, the homes we live in, the letters we write, the papers we read and much more.

Most all of you are from communities where our cherished beliefs and traditions are still valued. Places where a handshake still matters and your word is still your bond. Hardly a week goes by that I don't think about moving to a more rural area where life moves at a slower pace and honor isn't an old fashioned idea.

To those of you who contribute their time and talent as ACF officers or committee members, a sincere thank you. This organization would be nothing without you. While what we do here at the national office is important, it's what you do in your communities that is the basis of the fine reputation of this organization.

Lastly, I want to wish you and your families a beautiful holiday and a prosperous new year filled with peace and happiness.

Dyan C. Wilson



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External Affairs

The Association of Consulting Foresters (ACF) is the national organization for consulting foresters who work on this great nation's 430 million acres of privately held lands. The purpose of ACF is to advance the practice of professional consulting forestry; to establish and maintain high ethical standards for its members; to improve the competency of and provide a forum for its members; and to promote and encourage stewardship of the forest resource.

Ward Burton Lights Capitol Christmas Tree

Ward Burton served as Celebrity Chair for the 2004 Capitol Holiday Tree project. With a child recruited from the audience, Ward flipped the switch on December 9th.

In July the Capitol Landscape Architect selected the 70-foot red spruce growing in the George Washington National Forest. The tree was cut in early November and traveled around the state of Virginia on its way to Washington, DC.



A Well Traveled Cherry Bowl

By Ace Parker

I recently received a most unusual phone call. One of our speakers at the annual ACF meeting in Chattanooga was calling to inquire about an item he had purchased in our silent auction. Rex Boner, who is employed by the Conservation Fund in Georgia, successfully bid on a small bowl I had turned from cherry wood. A brief description, which I had written to accompany the bowl, stated that the wood came from the Thomasville, Georgia area. The gentleman wanted to know if I could give him any additional information about the origin of the cherry wood. He told me he had purchased the bowl as a wedding gift for a person from the Thomasville area.

My father-in-law had been hunting on his uncle's, Ralph Perkins' plantation near Thomasville in the early 50's and while there he observed that a fence around a plantation of tung oil trees was being demolished. The fence posts, which were made of cherry wood, were being burned. Ann's father remarked that it seemed a waste to be burning these large cherry fence posts. His uncle declared that he would be happy to ship the unwanted posts to Ohio if Ann's father would pay the freight. Thus the wood was sent by rail to Ohio.

Some of the fence posts were milled and used as paneling in the home Ann's family was building in Gates Mills, Ohio. Ann's father was a cabinetmaker of considerable talent and he used some of the cherry wood to make furniture. Fortunately I also received some of the wood, as I became interested in woodworking. This is the cherry wood that was used to make the bowl that was purchased in the silent auction.

It really is a small world after all!

In Memoriam

Jack Emerson Winn

Jack Emerson Winn died October 18, 2004 in Poulsbo, Washington, where he had lived the past several years, just a few weeks short of his 92nd birthday. He was born December 2, 1912 in Toronto, Ontario, Canada. He and his parents moved several years later to the Seattle area. He graduated from Queen Anne High School in Seattle, and then continued his education at Washington State University in Pullman, graduating in 1938 with a B.A. in Agriculture and Forestry.

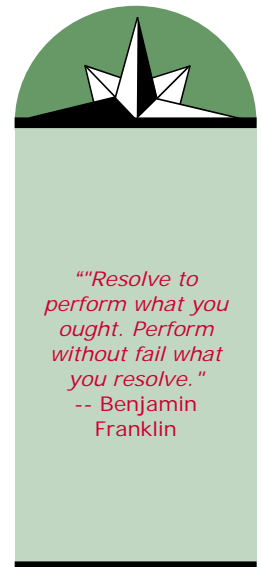
A longtime enthusiastic supporter of Washington State University's academic and sports programs, especially football, he earned the affectionate nickname of "Cougar Jack". He was given the Outstanding Alumnus Award by Washington State University's Forestry and Range Management Department in 1981. Jack always credited his experiences as a Boy Scout in the 1920s with guiding him to his lifelong career in forestry management. He earned his Eagle Scout Award in 1927 as a member of Troop 65 in Seattle. Each summer his scoutmaster guided the group through the forests and mountains of Mt. Rainier National Park and the Olympic and Mt. Baker National Forests. These trips sparked in him a love of forestry, wildlife, and conservation that became his life passion. While working for the Civilian Conservation Corps near Yakima during his college summer vacation, he met and courted his future wife, Virginia, who was finishing nursing school. They married on December 31, 1936.

Proud of America and the freedoms enjoyed here, Jack was happy to serve his country in the military. In his earlier years, Jack served in the 146th Field Artillery Battery D in Seattle. In 1943, he joined the Navy, serving during WWII with aircraft carrier service units. He was a member of the Fighting Five squadron operating from the carrier U.S.S. Franklin in the Okinawa campaign, and was fortunate to survive the extensive bombing of that carrier. The survivors on board fought fires for several days to save their ship. From 1945 to 1946, he was administrative officer at the Naval Air Station at Whidbey Island. He completed his twenty years of military service in the reserves at Seattle's Sand Point Naval Air Station, retiring with the rank of commander in 1960.

His forestry career included professional positions as area forester for the Soil Conservation Service in Oregon, first forester for Port Blakely Mill Company, research for Weyerhaeuser, and wood procurement manager for Scott Paper. His favorite career move happened in 1960 when he founded his own forest consultant business, Professional Forestry Services, Inc., in Olympia. Since his retirement, the business continues today under the able leadership of Jack's longtime partner and dear friend, Michael D. Jackson, ACF, as owner.

Jack's enthusiasm for forestry was demonstrated in many professional and civic activities. A longtime member of the Association of Consulting Foresters, he was responsible for starting the Association of Consulting Foresters Pacific N.W. Chapter, and served as National President from 1978 to 1980. He was named ACF's first Distinguished Forester in 1993.

In lieu of flowers, donations can be made to the "Professional Foresters Institute Trust" of the Association of Consulting Foresters, or to the "Foresters Fund" of the S.W. Washington Chapter of the Society of American Foresters. All donations should be sent to Mike Jackson, Professional Forestry Services, 100 Ruby Street S.E., Suite B, Tumwater, Washington, 98501.



Using “Additional Insured” Status to Control Insurance Costs

By Barney Barnhard

Most consulting foresters use a variety of service providers to help manage their client's land. Whether you engage the services of a logger or you recommend a chemical applicator, you assume a responsibility for the operations of your subcontractors. Protecting yourself against the actions of your subcontractors will protect your financial assets as well as help keep your insurance costs down. How do you protect yourself from the negligent actions of your subcontractors?

You need to be named as “Additional Insured” on your subcontractor's insurance policy and have a certificate of insurance, with the proper endorsement, evidencing this status in your possession.

Going to the effort to complete this paperwork gives you several advantages. It indicates that your subcontractor has insurance and shows the limits of insurance they carry. This protection is available to you if you are presented with a claim that occurred because of their actions. But most importantly, there would be an obligation for the subcontractor's policy to defend you in a lawsuit if one was brought against you as a result of the subcontractor's actions.

How would this work in real life? Well, you can play “what if?” scenarios all day long and ultimately the final answers will come from a court of law. But consider this case. You engage the services of a logger and they come in and harvest a tree that falls across a highway causing an accident. You did not mark this tree for harvest and openly cautioned the logger about this risk. You acted as a responsible person and cannot be held liable for your actions. However, you arranged for the services of the logger and thus get sued by the parties injured in the accident. If you are named as an additional insured on the loggers insurance policy, then that insurance company has an obligation to defend you against this action and their limits of insurance would be available, subject to the policy's “Other Insurance Clause”, to provide funds if monetary awards are made.

Many of you have to provide this form of indemnification to your customers. Normally these certificates are issued at no cost and this is part of accepted forms of indemnification whereby a service provider acknowledges their obligation to operate responsibly and to protect a contractor for the service provider's actions.

Even with additional insured status, there are issues that you need to keep in mind.

1. This does not protect you against your negligence. If we refer to the above harvest example and you marked the tree for harvest and are held negligent, then your general liability policy is needed to provide protection.
2. If your subcontractor has their policy canceled or it doesn't renew, you might not be notified. These certificates need to be renewed every year.
3. Your subcontractor could have had other claims that reduce the aggregate coverage available and you wouldn't know that all or part of the policy protection has been used up.
4. You need to have appropriate contracts in place with your subcontractors to complete the indemnification process.

Additional Insured status protects you for liability that would arise from the actions of your subcontractor. It can reduce the cost of claims brought against you as the result of actions of your subcontractor and thereby will help control the cost of your own insurance.

Barney Barnhard is an insurance agent with Outdoor Insurance Group and provides many consulting foresters with general liability and errors and omissions insurance through the Association of Consulting Foresters endorsed insurance program. He can be reached at 888-683-7808 or email at bbarnhard@oigcorp.com

IRC Section 631(b) Reform & Reforestation Expensing Signed by President

By Frank Stewart ACF/RF, ACF Director of Government & External Affairs

On October 22, President Bush signed into law a far-reaching \$136 billion corporate tax package that, among other things, helps forest landowners by reforming timber-taxes while closing tax loopholes and bringing U.S. exporters in line with international trade rules. One item in particular is of specific interest: the modification to Internal Revenue Code Section 631(b) that was over two decades in the making is now the law of the land. One CPA, who specializes in accounting for forest and forest products concerns, commented that, "whether they know it or not, the 631(b) fix may be the most important timber tax legislation that non-industrial private forest landowners will see in their lifetimes."

Although, the Forest Landowners Tax Council has been the lead organization on the IRC Section 631(b) fix for years – having focused on the issue since its establishment in 1996 – the Association of Consulting Foresters of was no small player in this Hill victory. ACF contributed to the Congressional Staff Seminars on forest taxation with FLTC that focused on resolving this issue. Also, a disproportionate number of the founders of FLTC were ACF members. And ACF members Mary Clapp (AR), Ely Frazer (GA), Keville Larson (AL), Bob McColly (PA), Harry Murphy (AL), Bill Siegel (LA), Ron Stuntzner (OR), Charlie Tarver (GA), Bret Vicary (ME) and others have contributed mightily to this effort, which has quietly caused so many problems for so many forest landowners in every region of the United States.

The 631(b) reform will allow non-industrial private forest landowners capital gains treatment on income from lump-sum stumpage sales, while maintaining their right to get capital gains on pay-as-cut sales. Senator Jeff Sessions of Alabama, and Congressman Mac Collins of Georgia, have been steadfast sponsors of 631(b) correcting language through four Congresses. Members Tarver and Siegel worked with the Joint Committee on Taxation to correctly calculate the measure's cost to the U.S. Treasury as "negligible." Others worked to successfully add the language to the JCT's Tax Simplification List (the only timber item on the JCT list), to have successfully encouraged the Land Trust Alliance, a high-profile environmental group, to write the Senate Finance Committee and the House Ways & Means Committee to request passage, to have successfully worked to have the U.S. House of Representatives pass the modification in every Congress since and including the 105th, and to have enlisted the support of numerous allied organizations in the effort including the Internal Revenue Service. The change is effective January 1, 2005.

Another timber-tax provision added by industry to the JOBS bill (aka: H.R. 4520, corporate tax bill, FSC/ETI bill) will allow all private forest landowners to expense up to \$10,000 for reforestation costs in the year incurred with an amortization period of 84 months for the remaining costs (there is no ceiling on those costs!). However, a Forest Service economist has calculated that the change from a "Reforestation Tax Credit" approach – the old statutory language, which has been eliminated – to the new "Reforestation Expensing" approach will cost non-industrial private forest landowners about \$800 at the \$10,000-level of expense (this negative effect corrects itself at higher levels of reforestation expenses). And, as has been reported by FLTC for months, the expensing approach will not work for NIPF landowners who do not "materially participate" in the management of their forestland as defined under Passive Loss Rules, which were generated by an unintended consequence of securities legislation passed in 1986. This new law is effective immediately.

The "vehicular" corporate tax bill grew out of the need for Congress to respond to a World Trade Organization ruling that a \$5 billion annual subsidy for U.S. exporters was illegal. As a result, 1,600 American exports to Europe are being hit by penalty tariffs that stood at 12 percent – at the time of the bill's enactment – and rose by one percentage point a month until remediated. The bill became the vehicle for the most significant overhaul of corporate tax law in nearly two decades.

Hap Hachtel, ACF Volunteer For A Unique Project

By Ron Huffard, Executive Vice President, Texas Forestry Association



Organizations such as the Association of Consulting Foresters and the State Forestry Associations are successful because of the active involvement of their members. In Texas I have the honor of working with many ACF members on numerous programs that benefit the forestry community as well as the Texas Forestry Association.

One program that is unique is the management of two tracts of land in Rusk County that were given to the Texas Forestry Association over thirty years ago by Dr William and Jane Ross. It was the intended wish of this donor that the tracts of land be managed for the benefit of future educational activities of the Texas Forestry Association. I can say that the donor's request is being fulfilled as TFA has been blessed with the active involvement of the ACF Texas Chapter members over the past 17 years in providing a management plan for these properties and in overseeing the management activities.

One of the tracts is comprised of 16 acres and contains the TFA/Griff Ross Woodland Trail which is being managed for the recreational values the site has to offer. The Trail is named in memory of Dr. Griff Ross. ACF member Hap Hachtel has been instrumental this past year in gaining the support to maintain this trail. Previously, the management of this tract of land had been performed by forestry students enrolled in the Forestry Technician program at Panola College. The site was used as a field laboratory for the students and in turn they maintained the trail. With declining enrollment in the Technician program, the College ended the program a few years ago and since that time TFA has searched for assistance in the annual maintenance of the trail. The alternative was to close the trail to the public for safety purposes. Hap Hachtel became involved at that point and has since worked to see that the trail continues to provide the educational and recreational values that Mr. & Mrs. Ross had intended when they donated the land to TFA. It is through Hap's leadership that the Rusk/Smith Counties Forest Landowner Association has adopted this project. At the initial workday this past winter the landowners rebuilt two bridges and reestablished the walking trail which had deteriorated over the past years without annual management attention.

The second tract of land contains 23 acres, with approximately 7 acres in a power line right-of-way, which is being managed for income to support the TFA Educational programs such as Project Learning Tree and the Teachers' Conservation Institute. Over the years, ACF Texas Chapter members have assisted in conducting two timber sales, a prescribed burn, a chemical spray, and enrolling the tract in the Tree Farm System.



(Continued on page 7)

ACF Members Honored with SAF Field Forester Awards

Edward A. Tunheim

Since 1958, Tunheim has been a consulting forester in an area that has been called “the most challenging forest and community in California”—the coast redwood forests of Santa Cruz County. Through an ongoing series of educational meetings and field trips, he has excelled at addressing the concerns of the region’s citizens and landowners, many of whom possess strong preservationist beliefs. With training and careful logger supervision, Tunheim has been able to demonstrate that harvesting, thinning, pruning, planting, road building, fire safety, erosion control, and habitat improvement are all part of sustainable forestry. A registered professional forester with the state of California, Tunheim has an extensive list of licenses and certifications that attest to his competence and professionalism.

Stephen E. Jaquith

A consulting forester for the past 15 years, Jaquith provides forest management services to owners of private, corporate, and municipal properties ranging in size from 10 to 5,750 acres. Nearly 35,000 acres are currently under management, on which he provides such services as 10-year forest management plans, silvicultural prescriptions for multiple objectives, timber appraisals, forest resource mapping, precommercial thinning, road design and layout, reforestation, and weed control. In addition to his work with landowners, he also teaches continuing education classes to both foresters and landowners, has authored several publications, and performs a wide variety of forestry-related volunteer work for such organizations as the Heritage Forests Committee and Pennsylvania Rural Development Council's Forest Taxation Working Group.

Thomas B. Vigour

Vigour’s forestry career began with a three-year stint as a service forester with the Kentucky Division of Forestry. After a year on a Virginia survey crew, he spent 11 years managing Weyerhaeuser forestland in eastern North Carolina. After a transfer to Mississippi and three years in wood procurement, he began his own consulting business. Since then he has helped many landowners in central Mississippi contend with every aspect of forest management. In addition to being a consultant, Vigour serves on the board of directors for two county forestry associations and “talks forestry” at landowner seminars, 4-H gatherings, civic clubs, and science classes.

Hap *continued*

(Continued from page 6)

The second timber sale on this tract was conducted at the TFA Annual Meeting last October. Once again it was ACF member Hap Hachtel who coordinated the workday where ACF members volunteered to mark the timber and the details in putting together the bid prospectus. Hap conducted the bid opening during the opening reception of the Annual Meeting and through his efforts and the Texas Chapter ACF members the TFA Educational Fund will again benefit from the proceeds of the sale.

ACF members make many contributions to the TFA programs each and every year. Their willingness to be involved and lead programs for the benefit of the forestry community, the profession and TFA are the foundation for many outstanding and successful programs in Texas.



Check out Ward Burton's Wildlife Foundation website for a nice article on Ward's meeting with the Virginia ACF Chapter. The piece thanks ACF volunteers and features pictures taken by W. Michael Lewis.

www.twbwf.org/acf.htm

From left to right: Jerry Craig, Glen Worrell, Ward Burton, John Washburn and Dan Hammond

GPS-Data Collection: A Mystery No More

By Michael Allinder, ACF

My ACF colleagues have been using technology to enhance their efficiency and provide quality, cost efficient services to their clients since it was available. It was time for me to get on board. Today technology plays an important and growing role in helping my company, Allinder Forestry Services, improve efficiency and deliver ever more accurate maps, a vital product of any consulting forester.

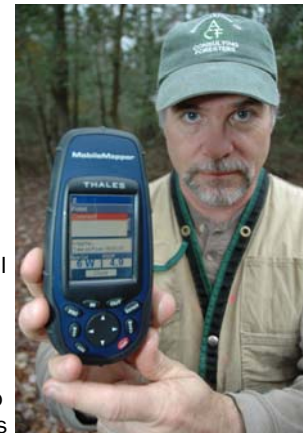
Forest mapping, marketing and managing southern yellow pine and hardwoods in Delaware, Maryland and Virginia is a full-time business for me. I'm a Maryland licensed forester, working from my home in Pocomoke City, Maryland. Beginning this year, for mapping and doing general forest delineation, I'm relying increasingly on a handheld Thales MobileMapper, a GPS-based geographic information system (GIS) data collector, to speed up my work and even extend the range of the jobs I can efficiently perform. My productivity's way up, and I'm making more money. It's as simple as that.

In the field, I'm using the device to collect geographic points, lines and a virtually unlimited number of descriptive features. The data collection is substantially faster than what I've been accustomed to in the past, and at the end of the day, back at the office, I directly transfer all of the collected data as a shape file through a serial port on the MobileMapper to my computer and use the data with ArcView GIS to produce high a quality map. It's fast and easy, and the day's newly collected data can be placed over a digital aerial photograph, typically infrared, of the area. It's an eye-opening and impressive new way to work. I can easily delineate any forest area and identify any physical feature within the forest area and it does a terrific job with the irregular timber sale boundaries, automatically computing the area of the traverse. Not only can I traverse boundaries, but I can do detailed stand delineation for whatever stand feature I choose, such as stand age, stand size, species or even wetlands. Really, any delineation typically needed for Forest Management Maps and Timber Harvest Maps, to name a few, can be done quickly.

The MobileMapper is new to the market, and at about \$1,500, it's a third the cost of similar existing solutions. For me it's definitely a good investment. In the past I used older mapping techniques, moving around the parcels with a compass and tape measure and added that information to ArcView GIS. That's a time-consuming process, especially with the extremely irregular forest areas. I like using the area calculation component. By simply traversing the forest area and returning to my beginning point, I automatically compute the acreage.

Not only does the GPS-based GIS data collector save time, it lets me take on jobs I normally wouldn't even try to do. I can go around a large property in a day when before it might have taken me weeks or I might not have been able to do it at all. MobileMapper's two- to three-meter accuracy is fine for the work I do, and should I need sub-meter accuracy, that's also available. All I have to do is add the step of post-processing the GPS data collected.

For me, there's really no downside. I've always thought of GPS as an expensive technology that was way out of my league. GPS data collecting has turned out to be an excellent cost efficient means of gathering reliable information. The small investment was a good one and the pay back has been impressive. I just wish I'd done it sooner.



Michael Allinder, ACF, is owner of Allinder Forestry Services, LLC, Pocomoke City, Maryland



The Virginia
ACF Chapter

APPLICANTS FOR CANDIDATE FOR MEMBER

Buddy C. Hairston
Pelahatchie, Mississippi

James E. Hurst Jr.
Versailles, Kentucky

Jeffrey S. Major
Newberry, Michigan

William R. Ware
Rock Hill, South Carolina

Bruce M. White
Chester, South Carolina

PLEASE WELCOME OUR NEW CANDIDATES FOR MEMBER!

Mark A. Burke
Morgantown, West Virginia

Bob A. Cool
Mason, Michigan

Michael G. Ladd
Madisonville, Kentucky

Teddy W. Reynolds
Magnolia, Arkansas

CANDIDATES FOR MEMBER APPLYING FOR FULL MEMBER STATUS

The following Candidates for Member have applied for Full Member status. Any member wishing to comment on their qualifications must do so in writing to the national office by February 1, 2004.

James C. Chattin
Portsmouth, Ohio

Patrick J. Cleary
Prestonburg, Kentucky

Joseph R. Dwyer
Evansville, Indiana

Robert H. Folk III
Green Pond, South Carolina

James M. Gray
Dunn, North Carolina

William Richard Humphries
Jeffersonville, Georgia

David M. Kelley
Montgomery, Alabama

Bruce S. Lanier
Northport, Alabama

Patrick L. Lee
Orangeburg, South Carolina

Adair D. Moore
Moultrie, Georgia

Jeffrey S. Page
Chattanooga, TN

Gavin L. Wilson
Barbourville, Kentucky

Membership Tally	
• Members	484
• Candidates	85
• Retired	59
• Inactive	9
• Applicants	14
Total	651

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The Platinum Standard

For Consulting
Foresters

IRS Announces Largest One-Year Rise in Standard Mileage Rates Ever

Just before Thanksgiving, the IRS announced a 3-cent increase in the standard mileage rate for businesses to use for 2005 in deducting automobile costs. Beginning Jan. 1, 2005, the standard mileage rates will be 40.5 cents a mile for all business miles driven, up from 37.5 cents a mile in 2004; 15 cents a mile when computing deductible medical or moving expenses, up from 14 cents a mile in 2004; and 14 cents a mile when working for a charitable organization.

The 3-cent increase in the business mileage rate is the largest one-year rise ever. According to the IRS, the primary reasons were higher prices for vehicles and fuel during the year ending in September. The charitable standard mileage rate is set by law.