BC. G FALL 1983 UARTERLY

Associated Reforestation Compactors Inc.

THE REFORESTATION OF THE TILLAMOOK BURN (1948 1983)

RENEWED RESOURCES!

Clear Cut Controversy Liquidated Damages Herbindes & Health

Lead Line

Although this issue's cover story is a commemoration of the reforestation of the Tillamook burn and an examination of the resources offered by the resulting Tillamook forest, our main news story this quarter concerns the suit to halt clear-cutting in the Mapleton district of the Siuslaw National Forest.

Norman E. Bjorklund, Executive Vice President of the Industrial Forestry Association has contributed a strong, concise statement in favor of clear-cutting. We thank Mr. Bjorklund for taking time from his busy schedule to share his views with us. As we all know, any restrictions in clear-cutting schedules results directly in reduction of reforestation needs. Negative economical results shouldn't be our only concern, however, there is substantial evidence that clear-cutting (the only practical method of managing Douglas-fir in most instances) is beneficial to the environment as well.

Following Tim Laue's excellent presentation on 'Liquidated Damages' given at our annual meeting at the Agate Beach Hilton last August I felt fortunate in being able to pressure him into writing an article on the same subject for this Quarterly. Efforts by our members, such as Tim, to help on this magazine are greatly appreciated.

John Foster has once again been a wealth of suggestions and submissions. Without his consistant, dependable input it is unlikely that the Quarterly would be as successful today as it is.

The same can be said for Bruce Fraser's contributions to the Quarterly. Although Bruce is not a member of the ARC he has proven to be a valuable asset to our organization in the areas of developing a safety plan on a shoe-string budget, writing the bulk of our articles and attending to most of the never-ending details that go into the editing and printing of our trade journal.

Dan Robertson's outfit, Professional Reforestation, Inc., is featured in this month's crew profile. Dan's crews are considered among the very best when it comes to Coast Range pre-commercial thinning. We'll find out many of the reasons why in this issue.

This month's cartoon is by the well-known logging cartoonist, Glenn Duncan, of Sekiu, Washington.

We would like to welcome several new advertisers to this Quarterly including Contract Reporting Service, Forestry Suppliers, Mallory Co., N.W. Chemical, Contract Information Services, & Husqvarna. It is in our best interest to use their products and services whenever possible.

We hope you'll enjoy reading this Fall Quarterly as much as we've enjoyed putting it together.

Bob Zybach, Editor



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ARC is a non-profit association of refore-station contractors. Since 1974, ARC has served as an effective voice on a wide range of pertinent issues. Members of ARC are concerned about the rapid increases in industrial regulation, workers compensation insurance, safety, regional and seasonal volumes of reforestation activity, as well as other state and national issues of importance to our industry. This magazine is published quarterly to provide our readers with a source of current information about the business of reforestation.

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Photo Credits: Claudia Howell, courtesy of the Oregonian; Jim Fisher - Public Relations, Oregon State Department of Forestry; Bruce Fraser;

Dorothy Stauffer

Cover: Our Fall cover commemorates the successful reforestation of the Tillamook Burn. The upper photo was taken from Oregon State Department of Forestry files and shows an early fifties crew of planters. The lower photo was taken by Claudia Howell of the Oregonian and shows Ken Risseuw of Risseuw Logging cutting the very first tree of the first commercial sale made on the reforested land.

Facts and Opinions

WHAT IS IN A NAME?

Under the State of Oregon statutes any person or company who, for compensation, supplies workers for the planting of trees must be licensed to act as a tree planting contractor. When this law was passed in 1975, the Oregon legislature, for unknown reasons, combined tree planting contractors and farm labor contractors into the same license.

In 1981, the President of the ARC, Steve Winston, engaged Wendy Roberts, the State Labor Commissioner in conversation and tried to explain some of the problems that reforestation contractors encounter by being included with a different type of business; the farm labor contractors. After listening to the legitimate concerns as presented by Mr. Winston, the labor Commissioner quoted Shakespeare in summarizing her answer, "What is in a name?"

Later, while campaigning for re-election in 1981, one of the points the Labor Commissioner stressed in her campaign was that she was proud of changing the name of the "Oregon Bureau of Labor" to the "Oregon Bureau of Labor and Industries." She stated that the name change more accurately fit the responsibilities of the State Agency and therefore represented a valid effort on her part ot obtain that change.

It seems ironic that the administrator was sensitive about the name of the agency she heads, and yet appears to be so callous toward the problems of the industries she is elected to regulate.

Note: The latest effort on the part of the ARC to separate its licensing requirement from farm labor contractors was contained in a statement from a committee comprised of Brad Marks, Bob Zybach and Jim Stauffer. The statement commented on SB 525, the reforestation contractors licensing bill:

Reforestation contractors do not employ migrant laborers in order to harvest seasonal crops, nor do they even work on agricultural "farms", therefore it is unreasonable to expect them to obtain a "farm labor contractor's license". Due to overwhelming documented evidence, however, it is obvious that there have been massive abuses of our present tax and insurance laws, among others, that point towards the need for a "reforestation contractor's license" in this state.

TERMINATION ON FEDERAL CONTRACT JUSTIFIED WHERE CONTRACTOR FAILS TO OBTAIN STATE TREE PLANTING LICENSE

On a pre-award survey for a Bureau of Land Management tree planting contract in a district in Oregon the Contracting Officer, among other requests, wanted to know if the contractor had secured the required State License for tree planting contractors. The contractor verbally verified that he did not have the license but was in the process of making application.

The contract was subsequently awarded to the Contractor which was a partnership of seven members. After award and the starting of the project by the contractor, the C.O. sent a telegraphic 10-day cure notice to the contractor. The partnership responded to the cure notice that they were unable to post a \$5,000 labor bond in order to obtain the license "to cover employees we do not have and do not intend to have".

The contract was then terminated for default and on the same date reprocured to another contractor. The Interior Board of Contract Appeals decided the default termination was justified and also because the original contract was for an estimated quantity which could be up to plus or minus 20 percent then the original contractor was held liable for all the excess procurement costs. This included the seven percent over-run on trees that the second contractor planted.

Refer to: Thumpërs Reforestation, IBCA-1576-5-82 Note: The A.R.C. has received complaints from members that this same BLM District which can award contracts under \$10,000 on the District level has subsequently been doing so to unlicensed contractors and allowing these contractors to complete the projects without ever obtaining the necessary license.

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DID GOD CAUSE DIFFERING SITE CONDITIONS? Court to Decide

Many Northwest tree planting contractors encountered problems when Mt. St. Helens had the big eruption in 1980. Planting projects were interrupted in Washinton, Northern Idaho and Western Montana. This in turn 1) caused the Government to assess damages to contractors for delays and 2) contractors to file against the Government for contract changes and differing site conditions.

Most of the disputes have been settled. However the GOVERNMENT CON-TRACTOR, a FEDERAL PUBLICATION, INC. publication, reports that in one case where the contractor had claimed "Differing Site Conditions" because of ash spread over the work site and affected contractor's access thereto causing 'unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recongnized as inhering in work of the character provided for in this contract'', the Federal Court agreed and denied this aspect of the Government Summary Judgement request (dismissal of lawsuit) based on the assumed Contracting Officer's decision that "Acts of God" were not covered by the "Differing Site Conditions' contract clause. The case was returned to the trial division of the Court for further proceedings.

Refer to HIGHLAND REFORESTATION, INC. v. U.S., CT. CL ORDER (28 May 1982).

JAWS IV

Planters who get mad at the USFS inspectors they're working under have to refrain from using "abusive language" or the contractor can have his contract suspended as punishment. A recent decision on one contractors appeal reinforced that point. Refer to MUDSHARKS CO-OP, Inc. AGBCA 81-238-3, et al.

The contractor's workers during at least two days in April became abusive in their language to the COR. On the second day (a Friday), the COR issued a Suspension of Work notice for "noncooperation and verbal abuse". A meeting was arranged with the Contracting Officer for the following Monday. Work was resumed on the latter day.

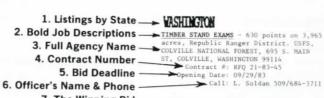
One of several points of contractors appeal seeked to recover costs allegedly incurred during the Government's Suspension of work of the Forest Service tree planting contract.

The Board of Contract Appeal's noted that the Contract's standard "Suspension of Work" clause provided for reasonable suspension in the administration of the contract. The Board concluded that in this case the suspension to permit resolution (of problems) by authorized officials is appropriate and that the COR's action in response to verbal abuse was reasonable under the circumstances. Therefore the Contractor's appeal on this issue was denied.

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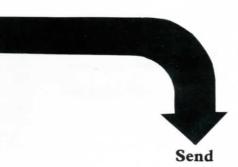
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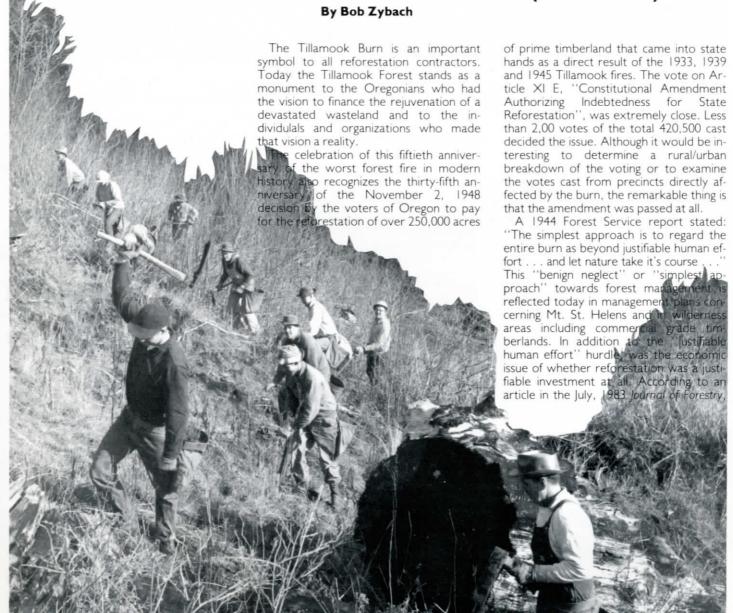
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Renewed Resources







Many portions of the Tillamook Burn area contained magnificent trees such as these.



Notice the Willamette Valley in the Foreground of the 8 mile high mushroom cloud rising from the August, 1933 fire.

"until the war began, the cost of planting one-year-old Douglas Fir seedlings was twice the going price for well stocked 50-year-old stands". Although the argument has been made about the irony of the 1948 election being carried by early day "environmentalists", it seems more likely that a coalition of loggers, mill workers, bankers, politicians and others with a vested interest in Oregon's economy realized the need for a healthy crop of Douglas-fir to provide jobs for future generations. These people would more accurately be described as "futurists" than as "environmentalists".

In addition to the constitutional amendment passed in 1948, the same year saw the beginning of scientific studies concerning the soils of the Douglas-fir region. The first step taken in this direction was the funding of a teaching and research position in forest soils by the University of Washington. That September a Forest Soils Committee for the Douglas-fir region was established. The soil studies combined with the lessons learned from the mechanics and economics of regenerating the Tillamook Burn, led directly to reforestation contracting as we know it today.

A note of explanation is probably in order here. Most reforestation is accomplished by the natural re-seeding of harvested or devastated areas. In flat or sloping areas without desirable seed sources planting can be done better and cheaper mechanically. Douglas-fir, on the

other hand, is not shade tolerant, usually grows on steep terrain and is far more valuable at an earlier age than other lubmer producing trees. These characteristics virtually guarantee that hand planting is a necessary step in obtaining the desired stocking levels for the establishment or regeneration of Douglas-fir. They also indicate that Douglas-fir is the most likely species to show a return for this type of investment. Part of the problem in assessing the economics of reforestation is whether the process is seen as a production cost, such as when fir are required by law to be planted following an old growth harvest, or as a strict long term investment cost, as when brush lands are purchased in order to be converted to Douglas-fir production for future industrial

In 1949 the first contract for private work on the burn was put up for bid. Although Walt Milo of Hoodsport, Washington was the apparent low bidder at \$14.40 per acre, Western Reforestation of Olympia obtained the job at \$15.85 because Milo couldn't come up with the necessary bond. Bob Snow, a 1942 of the University graduate Washington's School of Forestry and a partner with John Motishan in Western Reforestation, reports that this was hardly a major blow to Milo's fortunes; Walt Milo and his crews were later responsible for reforesting a substantial portion of the 1951 30,000 acre Forks Fire on the west side of the Olympics.

The first Tillamook specs were 6x8 spacing of 1-0 Douglas-fir that were so small that Snow says a planter could easily fit 800 or 900 in a small tree bag. With virtually no inspection and ground burned so clean that it "was like planting a garden", predominately green crews of young men from Forest Grove were able to average 1400 trees per man per day throughout the course of the contract. At approximately 900 trees per acre that would work out to about \$24.00 per man day. The thing to remember is that wages were a lot closer to a dollar an hour at that time, social security and worker's comp were not real problems, and a new truck cost about as much as a small motorcyle

In 1951 Bob separated from his partner in order to form Snow Reforestation out of his Portland base. Under that name his business completed a large share of the planting given to private contractors in the burn. Through the years his crews performed several large scale jobs for other landowners such as Crown Zellerbach and BLM in the burn, and in other areas such as the Siuslaw National Forest, the Olympics, and the Cascades.

In the early fifties other land managers began realizing the advantages of hand planting Douglas-fir as well as other conifer species, and several new businesses were formed or expanded their operations. Although most crews traveled from the first to extend their seasons, the successful businesses centered their activities around



Snags following fire.

a specific area. Snow in the Tillamook burn, Milo in the Olympics, Tom Mc-Cready and Owen Thomas in Medford, John Woods, Sr. out of Salem and L.A. Young and Wayne Young in Myrtle Creek.

This was a time of learning. As Tom McCready pointed out, several bench marks were established by the work to reforest the burn. In addition to the systems developed to make large scale plantations possible, several advances were made in critical areas such as seed extraction and seed storage. After the first plantations were established with seed gathered "from anywhere they could get it", and grown at the Nisqually I.F.A. nursery, it soon became apparent that seed source considerations and genetics would have to be given more thorough attention.

Statistics on the burn are everywhere. A list of firsts, mosts, and bests, concerning the devastation and reforestation of its 355,000 acrews would be literally endless. The Tillamook forest is a gauge. It is the result of a massive social enterprise that was successful; an experiment in intensive management without equal. Since the August night in 1933, when a 15 mile wide wall of flames pushed by 30 mile an hour east winds engulfed 220,000 acrews of standing timber in 20 hours, putting up a mushroom cloud 40 miles wide and 8 miles high, the burn has provided a mark to put comparable events and processes into perspective. Today we can easily acquire new knowledge from the burn. One hundred years from now our descendants will be able to do the same.

On July 18, 1973, 24 years to the day of the authorization of the reforestation bond, Governor Tom McCall officially dedicated what had been known for nearly 40 years as the Tillamook Burn, the "Tillamook Forest". On April 23rd, 10 years later, State Forester Mike Miller accepted a National Arbor Day award in Nebraska City, Nebraska, on behalf of the people of Oregon. The award recognizes the 50th anniversary of the 1933 burn, as well as those who participated in and supported its reforestation. With all of the attention, it is easy to forget that the Tillamook forest would be substantially different today if intense management had not taken place. It would be interesting to speculate what Tillamook County would be like today, if the Tillamook burn had been declared a "wilderness area", or what would have determined the futures of the Forks Fire or the Sundance Burn in northern Idaho, if Tillamook had not preceeded them. In any case, the \$12,,00,000 spent by Oregonians between 1948 and 1973 had an effect, a large

The title to this article, "Renewed Resources", is an obvious response to the well known bumper sticker declaring that "Trees are America's Renewable Resource." The reforestation of the Tillamook burn has resulted in changes to every single resource the forest has to offer. What are those changes and in what way do they benefit mankind?

The number one leisure time activity in the woods for most people is to simply drive through them in a car. A lot of people take part in this activity, and the vast majority seem to accept a trip along some back roads as a fulfilling, relaxing, enjoyable experience, worth sharing with friends and family. Although portions of the Tillamook Forest contained spectacular stands of old growth conifers before the fire, for the most part it was damp, in accessible country, with few game animals; only occassional breaks in the monotony of a continuous forest allowed scenic views of the Pacific Ocean or the Willamette Valley and the Cascades. There were few natural wonders worth visiting. When the smoke cleared people began to realize what a vast area was actually involved. Salvage logging operations opened it up. Seven billion of the ten billion feet given up for lost by the Department of Agriculture was salvaged. Green, fried or dried, the logs required roads to move them to the mills. Those roads were immediately used by hunters and fishermen, many of them loggers themselves. Foresters, reforestation workers, bikers, picnickers, hikers, students, ecologists, econimists, loners and lovers followed, and are still following many of the same roads today.

Clair Kunkel, Fish and Wildlife Biologist for the Tillamook Fish District since the late 1970's has some interesting observations concerning the effects of the burn and its reforestation on the migrant sport fish populations. Before the burn the old



Salvage operations proved boom to many businesses, prepared sites for later reforestation efforts.



Gales Creek, where burn started.

growth canopy transferred the energy from the sun to the fish bearing streams by shedding its growth in the form of needles and branches. Rotten snags, fallen trees and other forms of vegetation occasionally altered the streams solar diet and water flow. After the burn, solar energy was radiated directly into the water, altering its temperature, its aquatic life forms and its quantity. As snags began being harvested, as roads were built, and as fire-breaks were extended for miles, the physical condition of the streams was altered further. Besides the harvest roads being used by sports fishermen and meat fishermen, the commercial salmon fishing industry was growing rapidly. Yet the fish population was doing very well by the 1950's and was boosted to historically high levels in the 1960's with the aid of hatcheries. Clair believes that all of these physical effects upon the salmon bearing streams, while having a definite effect upon the health and population levels of the anadromous fish, are not as significant as the ocean conditions the fish encounter during the bulk of their lives. A glance at fish mortality statistics would seem to bear out this line of reasoning.

Using Coho salmon populations in Tillamook tributaries as an example, Clair recently explained to me the stream indexing system his department has used since 1950. At first, fish populations were measured at peak periods, but observations of high numbers of fish over short periods of time statistically out-weighing larger runs of lesser peaks but longer durations made observers adopt an average fish per mile index as more accurate than the peak index. He believes , that seasonal and long term upswelling patterns of the ocean have extremely strong effects upon the survival of Coho smolts. In the case of stream bank devastation, such as occurred with the burn, native vegetation usually returns on coastal streams within a 3 to 8 year period to pre-devastation levels of influence. In the case of unseasonal ocean upswellings

lasting for several years, Coho runs may take decades to recover. The present goal is an index of 29 Coho, or an average of 27 spawning Coho per stream mile during the duration of a run. Although peaks as high as 78 fish per mile were reached in the 1950's, the average was probably 25 ot 30. With hatchery aid, this figure hovered between 40 and 50 in the 1960's, a number that probably compares with any fish population preceeding the burn. Due to terrible ocean conditions this number dropped to 10 or 11 by 1977, and remains well below 20 to this day. The El Nino current doesn't seem to be helping.

Clair summarized his assessment of the effect of reforestation, logging, and fishing upon native fish runs, by pointing out the irony of people being able to file suit against the government in order of "protect fish runs" at the same time the government, through regulation, does not allow scientists to measure the impact of the Marine Mammals Act upon fish populations. He also pointed out the Forest Practices Act of 1972 has proven to be an effective tool for wild fish managers and the net result may well be that current logging requirements are proving beneficial to salmon runs.

While Clair Kunkel believes that the burning and planting of the Tillamook watershed hasn't had an over-riding impact on fish populations, Doug Taylor, District Wildlife Biologist for the North Coast District for the past 7 years is keeping data on their impact on animal populations. While spotted owl observers, foresters, and lepidopterists all have an interest in the native life forms in a forest, the average individual is usually only interested in deer and elk populations, at least in the Douglas-fir region.

As with most forest fires eliminating an old growth cover, in a relatively short while, deer populations swelled in some areas to levels 100 to 400 times pre-fire levels. This is because Douglas-fir canopies are extremely shady so that most browse is eliminated once the trees fill in at an

early age. Prior to the burn very few elk and deer lived in the area. It is very likely that other large mammal populations, such as bear, cougar, coyote, bobcat, and wolf were also very rare. Entries from Lewis and Clark's journals concerning the absence of large animal signs before reaching the elk herds of the Clatsop Plains bear this out. Even then they were forced to supplement the "poore elk meat" with dog meat, dried fish and a "fiew" roots traded from the local Indians in order to survive the winter. Once the canopy is removed, however, nutritious browse such as grasses, ferns, huckleberries, and tree seedlings almost immediately covers the forest floor. Deer populations explode. Elk populations seem to increase gradually. By 1953 the deer population in the burn had become so great that an inventory of seedlings established to that point showed 50% of them damaged by browsing. Special hunts were declared. The deer were so thick that a close relative of mine was able to fill 18 tags in the course of weekend hunts during the 1954 season. Doug thinks the special hunts were a case of "too little, too late" and had little, if any, impact on the deer population.

As the newly established forest began filling in in the mid-fifties, the deer population began declining. Although the severe winter of 1968-69 killed a large number of deer, their population rebounded swiftly in the next few years only to again begin the downward slide in numbers. At this time it seems that the deer population will continue to decline in the Tillamook forest until clear cutting operations begin in the next century or unless another disaster occurs that kills off substantial portions of the new trees.

Elk, on the other hand, have never occurred in the Tillamook drainages in any great numbers, at least not in the past several hundred years. Although elk populations increase at a much slower rate than deer populations, they are, for the most part, a hardier animal, better able to forage under more difficult circumstances

than the deer. As a result, studies show the elk herds still increasing in size since the '68-'69 kill and quite likely to continue to increase through the remainder of this century. In concluding our conversation Taylor remarked that there are "probably more elk in the Tillamook forest now than there has ever been". Certainly far more than there ever were under an old growth canopy.

However, people did not pay 12 million dollars in an attempt to possibly better their fall hunt or to improve the esthetics of a charred wasteland. They did it mostly to preserve and create jobs. When the 6 year jinx struck again in 1951 the fire did not consume any new timber and was the last fire within the burn's boundaries. The fire control planning and work had proved to be a success. When Ken Risseuw fell and bucked a log this July it marked the beginning of what is conservatively estimated to be at least a one billion dollar return on the twelve million dollar reforestation investment.

Ken Risseuw operates Ken Risseuw Logging out of Sheridan. On February 18 of this year he bid \$75/MBF, or about \$35,000, on a two year contract calling for the commercial thinning of about 100 stems per acre on a 110 acre sale. The thinning is located 30 miles west of Forest Grove near the starting point of the original 1933 burn. It may well be the site of Bob Snow's first plantations from 1949-50.

By late September, Ken claims to be very satisfied with the progress of the sale with "about 50 loads decked" although trucking had not yet started. He says that the logistics of thinning a planted stand are "about the same" as logging a natural stand with the volume being the same or even slightly more than was figured when they bid the sale. Since the sale is based upon actual harvest volumes rather than 'government estimates" he is not encountering the problems loggers are facing east of the Cascades on federal jobs where "optimistic" cruise figures, obtained at tax payer's expense, are causing severe hardships for many of the smaller contract logging firms. Despite the recent downturn in lumber prices Ken seems satisfied with this sale and claims that he would "bid about the same with the same conditions" if the opportunity were repeated.

The reforestation of the Tillamook burn has created many jobs where there were few, has provided much information where there was little and opened up vast tracts of real estate for recreational opportunities where there were none. Was it worth it? For Oregonians, loggers, hunters, silviculturists, students, and especially, for reforestation workers, the answer is an obvious and emphatic, "yes"! For environmentalists, preservationists and self-anointed ecologists and activists it certainly

doesn't appear to be the "ecological disaster of mono-culture" fantasy that many of them seem hell-bent on promoting to an uneducated public. In fact, it rather appears to be the very opposite of what many of these "experts" seem intent upon promoting. The Tillamook Forest makes an obvious answer to these doom-sayers and makes one wonder as to their true motivations. The Tillamook Forest, then, is many things to many people. Depending upon your perspective it can be viewed as a monument, a symbol, a gauge, an experiment, or an answer. But most of all it is a statement. It says, and will continue to say, a lot about man's ability to overcome incredible adversity and turn a disaster into an asset, rags into riches. Fifty years from now people should be taking great pride in what has been accomplished with the Tillamook Burn. This year's rightful celebration of the reforestation of the Tillamook Forest should not lose sight of the fact that our work, far from being finished, has really just begun. The author planted trees in the Tillamook Burn with this Grant H.S. (Portland) Biology class in 1963.



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On April 23rd a very significant award was given to the People of Oregon. Oregon State Forester, H. Mike Miller accepted the award from the National Arbor Day Foundation in Nebraska City, Nebraska. Here we see Mike presenting the plaque to Gov. Atiyeh. It will remain on display all year at the capitol.



The award recognizes, on the 50th anniversary of the 1933 Tillamook Burn, many persons who participated and supported reforesting the Burn, Including:

- Oregon voters who in 1948 approved a constitutional amendment and a \$12 million bonding program to finance the project.
- Oregon counties which helped consolidate the area in public ownership for reforestation and management.
- Past and present citizen Board of Forestry members and Department of Forestry managers and employees who planned and carried out the fire protection, rehabilitation, reforestation and management.
- Forest industry who helped salvage the dead trees and build the roads.
- School children, youth groups, hired tree planters, and inmate tree planters from the South Fork inmate Camp who planted the trees.
- All Oregonians for their continuing efforts in protecting the new Tillamook State Forest from another catastrophic fire.