

Staff News at Stuntzner

After working for Stuntzner Engineering & Forestry, LLC for 39 years, **Tom Hoshall** retires. Hoshall was a Partner, Surveyor and Certified Water Right Examiner. He served as head of the survey department and lead professional surveyor in the Coos Bay office for many years and also managed the Brookings branch of the company for several years.

Tom spent his entire surveying career at Stuntzner, starting in 1974 upon graduating from College of the Redwoods after serving in the US Navy. Hoshall's professional career has spanned an era of great change in surveying techniques, from the staff compass, or transit and chain, to the current robotic total station and GPS systems. He has had experience in all types of surveying. It would be interesting to know how many miles of boundaries were marked by this surveyor!

Recognizing the importance and increasingly restricted use of water to private landholders and large corporations alike, Hoshall became a Certified Water Right Examiner and has helped clients get and retain a right to use available water.

Tom and his wife, Sue, raised a son and two daughters in Coos Bay where Sue also spent many years in the Stuntzner administration department. Their son, John, now works for Stuntzner in the Forest Grove office as lead survey technician. Tom was always a great team player and his optimism and humor will be missed around the office and field. We wish him the best in retirement!

Dam Repair

Stuntzner Engineering & Forestry was requested to engineer a repair to an earthen dam in the mid-Willamette Valley. Stuntzner has considerable experience in earthen dams. The original dam was engineered and had some construction oversight by an engineer. A repair in this section of the dam had also been engineered, but had also failed. Other (not engineered) repairs in the section have also been completed, but all have failed. The dam is approximately 1000 feet long and 30 feet high. A 350 feet length of the dam has had a number of slides on the outside face of the dam. Stuntzner completed review of Dam Safety records, geotechnical investigation, engineering the repair, permitting, and construction observation.

The owners wanted the dam repaired in 2012, if possible - a very limited time frame. Stuntzner, therefore, quickly hand-augured holes in the embankment to try to determine the cause of the continued failures. The borings revealed that the likely cause of the continued failures was both poor embankment materials and poor compaction. Stuntzner designed a repair and coordinated closely with Oregon Dam Safety and the owner to make sure all would be satisfied with the project.



Failed dam, summer 2012

Because the summer dry season is required to repair a dam with the assumed construction methods, the project was not expected to be completed in 2012. The research started in June, the investigations and design were done in July and permitting was obtained in August. The dam repair started in late August of 2012. The repair required removing approximately 350 feet of one end of the portion of the dam that had failed, then rebuilding with acceptable material. The soils in this area had to be dried before being compacted in the dam. The unusually dry summer and fall along with considerable coordination between the contractor, Stuntzner and the owner allowed completion on the last dry day of the year! We are still monitoring the site to watch out for erosion issues and to watch the dam repair as the dam fills.



Repaired dam, October 19, 2012

This was an example of when government agencies, landowners, engineers, and contractors were able to work together to accomplish an important repair in a compressed timeline.

*Bill Flatz, PE and Eric Urstadt, PE, PLS
Stuntzner's Forest Grove office*

Bradley Lake Boater Access Project

Stuntzner Engineering & Forestry has been contracted by Big 'J' Construction Company of Medford, Oregon to perform survey construction staking and concrete testing for the new boat ramp facility at Bradley Lake near Bandon, Oregon. Drew Miller of Stuntzner Engineering performed surveying verification for the dredging



Bradley Lake boat ramp

operation for the boat ramp as well as pile location points for the new dock at the facility. Pete Stingley is performing the quality control testing, per Oregon Marine Board standards, for the new boat launch and the adjacent walkway and footings.

The placement of piling and the dredging phase was completed a few weeks ago. The concrete phase of the construction is currently underway. The entire project is scheduled for completion around the end of October and will offer boaters and fishermen an excellent new access point to the beautiful coastal lake which lies about three miles south of the city.

Pete Stingley, Stuntzner Engineering Tech, Coos Bay

Legislation of Note Coming Up in 2013

Oregon Water Resources submits legislative concepts to the legislature on a regular basis. We felt our clients may want to know about some of these before they are being discussed in the legislature.



LC 659, Establish a Water Right Management Fee, this legislative concept is scheduled to come before the legislature next year. If passed as written at this time it would add an annual fee of \$100 to each permit, certificate or decree. If an individual or company has more than 10 water rights the fee would be capped at \$1,000. The municipal permits would not be capped. This fee is proposed by a subcommittee of the Water Resources Commission to try to offset the reduction of funds from the general fund that has been the main historical funding means for the Water Resource Department since its establishment. Readers should note that this \$100 to \$1000 "fee" will not be related to either the amount of water used or the amount of service provided by the Oregon Water Resources Department.

Being citizens of a relatively free representative republic we all have the opportunity to voice our opinions to the members of the Legislature, some may choose to do so before the issue is on the floor.

Bill Flatz, PE, Forest Grove office

Timber Deed Expiration

While recently selling some timber and timberland, a client's title report listed an exception showing the County received title to the timber (not the land) in a 1931 tax foreclosure. The County timber deed did not refer to an expiration date by which the timber had to be removed. Stuntzner provided a report based upon incremental boring that proved the timber was less than 60 years old therefore not existing 81 years ago in 1931.

Also, case law gave guidance as to time for removal of timber when the timber deed contained no specified deadline date for timber removal.

A reservation of "timber" or "all timber" reserves only the timber that was merchantable at the time of the deed. *Emerson v. Hood River County*, 223 Or 112, 353 P. 2d 247 (1960), page 128 of the Oregon Reports (on rehearing), where the court stated that "all timber" means all timber which, on the date of the contract, was of a size suitable for manufacturing into lumber." (emphasis supplied). The opinion refers to the earlier case of *Arbogast v. Pilot Rock Lbr. Co.*, 215 Or 579, and cases there cited.

This rule was applied and made clearer in the later case of *Bross v. Peyton*, 252 Or 482 (1969), where the Supreme Court repeated the rule that the words "all timber" means all of the timber which, on the date of the contract [or deed], was of a size suitable for manufacturing into lumber. The Court also held that a "perpetual right to enter" upon the land given to the timber owner in the deed allowed him only to enter to get the timber that was merchantable on the date of the deed. The Court also approved a finding of the trial court that to be merchantable in 1949, a tree had to be 18 to 20 inches or more in diameter at breast height.

Finally, the Oregon Supreme Court has also held that, where a deed conveys timber without specifying the time for the removal of the timber, the Court will imply a reasonable time for removal. The running of a reasonable time divests the title to the timber reserved in the deed and reverts it in the owner of the underlying land. *Emerson v. Hood River County, supra*.

The Oregon Supreme Court has held that timber not removed within 12 years in one case and 24 years in another has not been removed within a reasonable time. See *Hughes v. Heppner Lumber Co.* 205 Or 11, 283 P2d 143, 286 P2d 126 (1955) and *Parsons v. Boggie*, 139 Or 469, 11 P2d 280 (1932)

The County agreed with our conclusion and granted the client a quit claim deed to the timber being sold.

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Stuntzner Engineering & Forestry wishes you all a happy holiday season and a prosperous 2013!

Log Market Report

The China log export prices for Coos Bay continue at lower levels compared to several years ago and are about equal to domestic Douglas log prices and somewhat higher for Whitewoods when compared to domestic prices. Since October, domestic log prices have moved upwards as the result of lower log supplies, caused by Oregon Department of Forestry, logging restrictions for a level III forest fire classification. The fire restrictions were lifted after the mid-October rains. Domestic log inventories are low. However, at the same time, markets have declined for finished products: lumber, plywood and panels. The chip market continues to be dead causing chip buyers to put quotas on mill chip production. Current conifer delivered pulp log prices are below the costs of logging and hauling. Most operators are leaving conifer pulp logs lying on the ground.

October has brought log price increases across all markets with the exception of hardwood and pulp products. Export prices for both Japan and China sorts increased from the summer prices, up \$25 to \$50 across all sorts. Most domestic mills also started increasing prices, partially due to the slowdown in logging from our late, dry summer and partially to compete against the export markets. Alder sawlog prices have held steady with markets in south Washington paying slightly higher prices than northwest Oregon mills.

The Log Lines September issue reports a Douglas fir 2M from Southern Oregon/Willamette Valley down \$13/M from June to September at \$555/M. They show a 2M hemlock for the same period down \$5/M to \$484/M. China log exports from Coos Bay are currently \$535/M for 8"+ (DF, WH, WF, SS). Export prices continue to be at or below those quoted for Doug fir in the domestic log market except for Whitewood. Most log purchase prices have been relatively flat since July with the exception of a price spike caused by fire weather. Coos Bay export buying is heavy to whitewoods, as a result of low prices for Doug fir export logs.

Random Lengths reports from July 13 to October 5, their Framing Lumber Composite flat at \$319, Green DF 2x4's up \$5 at \$265 and K-D Coast Hem-fir down \$8 to \$305. They report their Structural Panel Composite is up \$30 at \$402 and 1/2" western sheathing down \$15 at \$405 for the same period.

Housing permits for May were at a seasonally adjusted annual rate of 803,000, 24.5% above August 2011 starts. *Source: US Dept. of Housing and Urban Development*

The National Association of Home Builders (NAHB) and Wells Fargo produces a Housing Market Index (HMI), which measures builder perceptions in current home sales, expectations for the next six months and rating of prospective buyer traffic. The September HMI is 40, up from 14 a year ago. This is the highest level the index has attained since June of 2006. An HMI of below 50 indicates more builders view sales conditions as poor than good. NAHB states, "Builders across the Country are expressing a more positive outlook on current sales conditions, future sales prospects and the amount of consumer traffic they are seeing through model homes than they have in more than five years."

Domestic	South	North
DF SM	\$560-\$595/MBF	\$625-\$650
DF Camp Run	\$530-\$575/MBF	
DF 2M 12-15"	\$520-\$575/MBF	\$550-\$640
DF 2M 16"+	\$550-\$585/MBF	\$550-\$640
DF 5"-11"	\$56/ton	\$525-\$575
Conifer pulp	\$22-\$24/ton	\$28/ton
Whitewood Camp Run	\$425-\$475/MBF	\$475-\$500
Red Cedar	\$650/MBF	\$900
Pine 6"-11"	\$350/MBF	
Pine 12"+	\$390-\$475/MBF	
Alder sawlog 6-7"	\$340-\$360/MBF	\$400-\$500
Alder sawlog 8"-9"	\$470/MBF	\$550
Alder sawlog 10-11"	\$520/MBF	\$600
Alder sawlog 12"+	\$570/MBF	\$650
Mixed Hwd. Pulp	\$24/ton	\$32/ton
Alder Pulp	\$26/ton	\$30/ton
Maple 12"+	\$350	\$450
Maple 10-11"	\$325	\$400
Maple 8"+		\$375

Export-DF	Coos Bay	Longview
9-11", Japan Sort	\$540	\$640
12"+ Japan Sort	\$590	\$670-\$700
China/Korea Sorts 8"+	\$510-\$540	\$575-\$600
Export-Whitewood	Coos Bay	Longview
China/Korea 8"+	\$510-\$540	\$550



*Ron Stuntzner, PE, PLS, CWRE, Coos Bay office
Cliff Barnhart, Forester, Dallas office*

Tongass National Forest

Stuntzner has recently been working with the U.S. Forest Service to develop Logging System & Transportation Analysis plans on the Tongass National Forest. The Tongass National Forest has been using these projects to evaluate the economic and operational feasibility of pursuing timber sales throughout Southeast Alaska.

The region often faces higher logging costs than other areas in the Pacific Northwest. This can generally be attributed to steep terrain, lack of roads, and relative distance from markets. Logs must often be rafted or barged to the closest mills, incurring significant costs. Although the Forest Service has placed a priority on providing a domestic timber supply to sustain local operators, they often struggle to develop a timber sale that provides positive net revenues.

The Logging System and Transportation Analysis plans aim to evaluate potential short-term and long-term harvest plans. Stuntzner has been instrumental to the project by developing harvest unit and road construction plans, while meeting the constraints imposed by the 2008 Forest Plan. This allows the Forest Service to evaluate the potential harvest volume and revenues before spending the additional resources to move forward with planning the timber sale.

A recent change to these projects is the implementation of harvest scheduling programs. Stuntzner has been working with the Forest Service to provide GIS data of the settings and road systems that allow it to be entered into a harvest scheduling program, such as "ArcSnap". These programs are able to quickly evaluate almost all possible options for scheduling road construction and timber harvest. They are then able to provide the solution that will produce the highest net revenues. This information allows the Forest Service to more easily evaluate the long-term economic implications of management decisions.

Stuntzner has worked with the Forest Service on these projects to provide a private industry perspective on potential harvest options. This input should help the Tongass National Forest pursue timber sales that will have the greatest potential for successful implementation.

Dylan Hitner, LSIT/EIT, Forest Grove office



Thomas Bay, Tongass National Forest