

Kickapoo Sustainable Post

Newsletter of the Kickapoo Woods Cooperative

Insurance issues for landowners

by Gary G. Ascher

Reprinted from Woodland Management, Spring 2002

Landowners don't always have the expertise or the equipment to complete every project and often hire contractors to do work for them. When they hire contractors, they look for someone experienced, with a good reputation and someone who offers a competitive price.

One very important area is overlooked:

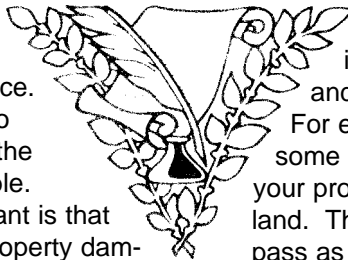
Do they have adequate insurance? First, the landowner is responsible for the acts of others if they do not have their own insurance. If the acts of an uninsured contractor lead to bodily injury or property damage to others, the landowner can be held financially responsible.

The second reason insurance is important is that the contractor may cause bodily injury or property damage to you, so you want insurance coverage in place to cover your damages. If you are injured or damaged and you make a claim against the insurance company, they are bound under Wisconsin law to promptly investigate and settle claims. This may avoid the necessity of a long, drawn out dispute with a contractor that would ultimately end up in the courts.

A third reason to seek insurance as the remedy for damages is that the assets of the insurance company will exceed the financial worth of the contractor. If you have significant damages, there will be enough money to cover your damages.

How do you determine if the contractor is properly insured? Before signing any contract or letting work begin, request a certificate of insurance from the contractor. The contractor's agent or insurance company actually issues the certificate of insurance. The certificate will tell you the name of the agent, the name of the insurance company, the effective and expiration dates of the coverage, and the policy limits.

There are two types of insurance that should be required from your subcontractors: General Liability Insurance and Workers Compensation Insurance.



General Liability Insurance

General Liability Insurance provides coverage for bodily injury and property damage. I recommend minimum limits of liability of \$1,000,000 per occurrence with an aggregate limit of \$2,000,000. The aggregate limit means that if more than one claim is made against the insured in a policy year, the insurance company will pay up to the aggregate limit for all claims.

Your concern about the General Liability Insurance does not end with checking the limits. Unfortunately, policies contain exclusions, and you have to protect yourself from exclusions. For example, suppose you hire a logger to harvest some timber. While harvesting the timber, they cross your property line and cut some timber on the adjoining land. The logger will probably be sued for timber trespass as well as damages to the land from his equipment. A standard insurance policy will exclude losses from timber trespass or cross-cutting, either by a specific exclusion added to the policy or under a standard clause in the policy called the "care, custody and control" provision.

A second type of loss commonly excluded under general liability policies for loggers is loss due to starting the woods on fire. Losses to your own woodlands, as well as the property of others, may not be covered. Coverage for these types of losses can be added to a liability policy.

Insurance, continued on page 5

Inside . . .



Insurance issues for landowners, p. 1, 5
 From the Coordinator, p. 2, 4
 Get Ready Now to Plant Trees, p. 3
 Nurseries and Foresters, p. 3-4
 Calendar, p. 6

From The Coordinator

by Paul Bader

There are several things that I would like to report to our members and interested landowners in this issue of KWC's newsletter. They are grants, member projects and woodland service contractors.

GRANTS

In June I reported the progress of KWC's development to the Kickapoo Valley Reforestation Fund (KVRF), our development grantors, and subsequently they have extended our grant for development and approved our grant proposal for "Logger Training". Currently we have about 1/3 of the original KVRF grant left, which should take us into the operational phase where it is our hope that operational income will sustain the services that are offered by the Co-op.

Training for logging contractors working in the Kickapoo region is in the works with ten courses beginning this November and running through June 03. These training workshops are designed to cover the minimum training required for a logger to qualify for certification under the "Sustainable Forestry Initiative" (SFI) and membership in the Wisconsin Professional Loggers Association (WPLA). Also it will provide continuing education credit to maintain certification for loggers and foresters. With this certification, you know that at least the logger has had the training. Training does not guarantee that the job will be done in a sustainable way—reputation will still be the best measure of a contractor.

KWC also has a small share of a USDA collaborative marketing grant received by Sustainable Woods Co-op (SWC) in Lone Rock. From this grant we have received

money to purchase a computer for KWC and to publish our new membership brochure. We intend to use money from this grant to place ads in local newspapers and shoppers promoting KWC membership. Also KWC is benefiting in other important marketing collaborations between SWC and Hiawatha Sustainable Woods Co-op (HSWC). SWC has published two brochures, one promoting certified forest products produced by all of our members and another promoting membership in sustainable forestry co-ops. This grant also supports the ongoing development of a web based inventory system so that the co-ops can share their inventories of finished value-added products as well as harvested raw products for supplying the various Co-ops' markets.

MEMBER PROJECTS

There are at least 5 member projects in the works. I have planned a 17-acre timber stand improvement (TSI) on my land. This is a non-commercial TSI, basically weeding 17 acres of woodland, eliminating non-native invasive species and removing low-value competition of designated crop trees of native forest species. The objective here is to maintain the forest's diversity while encouraging sustainable forest production of high quality timber. I have applied for cost sharing with the DNR Stewardship Grant program. The project will start in November if funded in September or late in February if not funded this cycle.

Another of our members has a commercial "restoration harvest" planned for this winter. This restoration will concentrate on removing low-value deformed and "at risk" trees. The objective on this 10-acre stand of red oak and aspen is to release the understory and encourage an uneven-aged stand of high-quality, healthy trees while breaking even with the cost of the harvest. The goal here is to develop a productive site while maintaining the esthetics of diverse and native woods.

Another project's objective is to harvest a few acres of "economically mature" aspen to release the beautiful understory of northern hardwood seedlings, saplings and small poles. Aspen regeneration will be discour-

From the Coordinator, continued on page 4

KWC Board of Directors

Phil Gudgeon
E8533 Cherry Grove Rd
Viroqua WI 54665
637-3886
fstcapag@mwt.net

Ben Hansen
S5030 Hansen Ln
Viroqua WI 54665
689-2585
ben@mwt.net

Vince Hundt
N591 County Rd. P
Coon Valley WI 54623
452-3651
vince@rotochopper.com

Jack Knight
PO Box 151
Gays Mills WI 54631
735-4287

Aaron Larson
S3710 Green Hollow Rd
La Farge WI 54639
625-2890
Aaron.Larson@krm.state.wi.us

Mark Levendoski
N486 County Rd. K
Genoa WI 54632
457-2444
markris@mwt.net

Greg Welsh
Gays Mills
735-4660 or 625-2602
greg.welsh@organicvalley.com

Get Ready Now to Plant Trees

by Jack Knight

Now is the time to prepare for any tree planting plans you may have for your land. Tree ordering is best done in October and November to ensure availability of desired seedlings. Spring planting is considered best in our area with April being ideal.

Site preparation with herbicide, when done in the fall, makes for easy visibility when planting and eliminates the greatest competitor for tree seedlings—grasses. And setting trees out at proper spacing is far easier planting into previously marked spots. Seedling sites can also be sprayed at planting or during the growing season. Herbicide use is crucial when planting into grassy sod areas. There is plenty of technical advice available on this. Suffice it to say, follow directions.

Tree planting is but one tool used in sustainable forestry to promote regeneration of a diverse forest. First tool of choice is a combination of seed trees already on site and creating openings to facilitate growth of naturally seeded trees. Tree seed can also be gathered and brought in to be hand planted to augment natural seeding.

Some situations which may call for tree planting in our area include ensuring oak regeneration, reforesting old fields, upgrading “weed” tree areas with more desirable hardwoods, and my personal favorite—forest diversification with minor species that are near the edge of their natural range or always were a minor component of the forests here, or those nearly eliminated by disease and land-clearing in the past.

Success in establishing seedlings is really a simple formula—dormant nursery stock, planted at the proper depth, roots consistently moist (before and after planting)—but not soaked. These along with proper site selection are the easiest variables to control. Site preparation to ensure weed control and adequate sunlight is usually the most labor-intensive part of the formula, though with good placement of the tree seedlings taking advantages of natural openings in the canopy, this can be kept to a minimum. This is an extremely concise discussion of tree planting in our area. Those of you with questions can direct them to the state foresters and to me.

Jack Knight has planted trees professionally for 17 years and manages a woodlot in northeast Iowa. He is currently serving on the KWC Board and Education Committee and can be contacted at 608-735-4287 or 563-380-3180.



A few DNR Forestry offices:

Crawford County DNR
Co. Highway Building, P.O. Box 186,
Gays Mills WI 54631
608-735-4672

LaCrosse County DNR
3550 Mormon Coulee Rd
LaCrosse WI 54601
608-785-9007

Monroe County DNR
820 Industrial Dr, Suite 2
Sparta WI 54656
608-269-6901

Richland County DNR
1850 Bohmann Dr
Richland Center WI 53581
608-647-4566

Vernon County DNR
220 Airport Rd
Viroqua WI 54665
608-637-3784

Order forms for these **DNR nurseries** can be obtained from any county DNR forestry office:

Griffith Nursery
473 Griffith Avenue
Wis. Rapids WI 54494
715-424-3700

Hayward Nursery
16133 W. Nursery Rd
Hayward WI 54843
715-634-2717

Wilson Nursery
Box 305
Boscobel WI 53805
608-375-4123

Large Commercial Nurseries

Lawyer Nursery
950 Highway West
Plains Montana
800-551-9875

Musser Forests
P.O. Box 340
Indiana PA 15701
724-465-5685

More Nurseries listed on the
next page on reverse

From the Coordinator, continued from page 2

aged in favor of the northern hardwoods. Some gain is expected with this improvement project.

Two more projects being managed by the co-op for members are commercial harvests of "past their prime" red oaks covering a much younger and more vigorous stand of native hardwoods. This harvest will only remove timber that is over-mature and "at risk" (trees with large dead limbs, fire scars etc.) leaving the healthy mature trees to grow in value and minimizing the logging damage to the remaining forest. The objective here is to gain the maximum value from the harvest not the woods. Also these projects will require trail-building for logging and future management activity access. We have an opportunity here to demonstrate sustainable forestry management for conservation with the needed local economic activity.

WOODLAND SERVICE CONTRACTORS

Inserted in this newsletter is KWC's new brochure. It describes the services now being offered by the co-op. At this stage of the co-op's development it is not possible to offer all of these services in-house, so we have formed relationships with professional foresters, certified forestry techni-

cians and loggers to contract with members. Our in-house forestry and marketing services will be provided to members on a fee-for-service basis.

KWC has recently arranged with Brooks and Christie Forestry Consultants to do plan development for members on a contractual basis and have agreed to allow the co-op to do part of the work. Brooks and Christie will do the field work (inventories, stand descriptions etc.) and the prescriptions, while the co-op manager will do the actual writing of the plans. This arrangement will split the work between the professional forester and the co-op manager so that co-op can gain income from the services rendered to members.

Three of our members have formed a limited liability corporation to provide woodland services such as timber stand improvement, tree planting and light harvesting. All three individuals have experience in the woods and a sound conservation ethic. They plan on enrolling in our Logger Training program and intend to be SFI certified. This fully insured company is planning to be up and running in November. We are looking forward to working with them on at least two of the projects mentioned above and future member projects.

Wisconsin Regional BAREROOT REFORESTATION NURSERIES

Nursery Name	Address	City	Zip	Phone	Fax
Arneson's Nursery	N 11164 Hwy 45	Clintonville	54929	715-823-6784	
Bruce J. Miller Nursery	3187 Bark Lake Road	Hubertus	53033	414-255-4360	
Campbell Tree 8` Land	PO Box 780	Wautoma	54982	920-787-4653	414-787-3698
Cascade Forest Tree Nursery	22033 Fillmore Rd	Cascade, IA	52033	319-852-3042	319-852-5004
Detlor Tree Farm	Box 6	Plainfield	54966	715-335-4444	715-335-4442
Evergreen Nursery	5027 County TT	Sturgeon Bay	54235	414-743-4464	414-743-9184
Great Lakes Nursery	1002 Hamilton Street	Wausau	54403	715-845-7752	715-848-9436
Gress Evergreen Nursery	W7035 Hwy 64	Polar	54418	715-623-6167	715-427-2552
Insti Trees Nursery	PO Box 1370	Rhineland	54501	715-369-2801	
Johnson's Nursery	W180 N6275 Marcy Rd	Menomonee Falls	53051	414-252-4988	414-252-4495
KF Evergreens	9629 Camp Avenue	Sparta	54656	800-458-7275	608-272-3605
Laura's Lane Nursery	Box 232	Plainfield	54466	715-366-2477	715-366-8201
Lindsey Trees	8832 CTH V	Chili	54420	715-676-3608	
Lodholz North Star Acres	420 Hwy A	Tomahawk	54487	715-453-2976	
Lowes Creek Tree Farm	3111 Eisenhower	Eau Claire	54701	715-834-7664	
Norma's Nursery	W3198 Ring School Rd	Ogema	54459	715-767-5645	
Northwoods Nursery	3682 Limberlost Road	Rhineland	54501	715-369-3959	
Pony Creek Nursery	Box 16	Tilleda	54978	715-787-3889	
Reeseville Ridge Nursery	PO Box 171	Reeseville	53579	920-927-3291	920-927-3291
Roeber's Thornapple Rd. Nrsry	W10644 Thornapple Rd	Ladysmith	54848	715-868-7050	
Roy Christenson	E5684 US Hwy 12 & 29	Menomonie	54751	715-235-5380	
Waii Nursery	Route 9, Box 9089	Hayward	54843	715-462-3565	
Wallace-Woodstock	W6291 State Road 9,	Neiltsville	54456	715-743-2980	715-743-6930
Westfork Walnut Nursery -	Route 3	Viroqua	54665	608-637-2528	
Windfall	504 S East Street	Plainfield	54966	715-335-6725	

Insurance, continued from page 1

To protect yourself, you need to request wording in the "special conditions" section of the certificate of insurance that indicates that the logger has these critical coverages. For example, the following wording might be used: "This policy includes general liability coverage for timber trespass or crosscutting and property damages to woodland from fire." Please consult with your attorney for his or her recommendation on the wording.

Foresters also need liability insurance

In addition to General Liability Insurance, foresters also need Professional Liability Insurance. The standard General Liability policy only covers bodily injury or property damage. If the work done by the forester causes economic damages (such as loss of money or profit), but there is no bodily injury or property damage, you have no recourse against his or her insurance company.

In order to protect you, the landowner, from economic loss, you need proof of Professional Liability Insurance, either as an endorsement to the General Liability policy or as a separate policy. To save yourself the time and aggravation of reading the entire policy, request special wording on the certificate of insurance. Common exclusions to be concerned about include exclusions for economic loss from marking timber, pesticide and herbicide application exclusions and exclusions for controlled burns.

If you hire a contractor for excavation or grading of land, it is important that their General Liability coverage include the perils of explosion, collapse, and underground, commonly referred to as "xcu." Most General Liability forms now include this coverage but some of the older forms exclude "xcu."

Do not take the word of the contractor or the insurance agent. Always request proof of coverage in writing.

Workers Compensation Insurance

In addition to liability insurance, Workers Compensation Insurance is very important. A factor that complicates this issue is that current Wisconsin Workers Compensation law excludes sole proprietors and partners. They have the option to elect to be included, but because of the high costs of Workers Compensation Insurance, many sole proprietors and partners have no Workers Compensation Insurance. If they are injured and they don't have adequate health insurance, disability insurance and life insurance, they may look for landown-

ers to pay for their loss. If the business is a closely held corporation (defined as a corporation with 10 or less shareholders), the officers of the corporation can elect to be excluded. Again, because of the high costs of Workers Compensation Insurance, many corporate officers elect to exclude themselves. Certificates of insurance for Workers Compensation should clearly state whether the proprietor, partner or officer is excluded.

Businesses in Wisconsin can purchase "minimum premium policies" which cover employees of the insured, even if the proprietor, partner or corporate officer is excluded. This is the best solution because it frees the landowner from the responsibility of determining if all persons on the jobsite fit one of the above categories and are not actually uninsured employees or uninsured subcontractors. Some persons accept a signed statement from the contractor indicating that they are exercising their right under the law not to be covered. Whether or not you accept such a statement and how such a statement would be worded, are decisions that should be reached by you with your attorney.

This article has attempted to identify some of the major insurance concerns faced by landowners who hire contractors. There are many unique situations that occur. I would urge you to consult with your attorney and your own insurance agent.

Gary G. Ascher (Gascher@western-insurance.com) is the president of Western Insurance Services, Inc, Sparta, Wisconsin. He has 23 years of insurance industry experience, seven years as a Commercial Insurance Underwriter and 16 years as an independent insurance agent. Western Insurance Services specializes at insuring the forest products industry. For additional information call (800) 947-1075.



Photo by Lisa Nudo

This custom twig railing was featured at a recent workshop on pole construction at the home of architect Roald Gundersen.

The Kickapoo Sustainable Post is produced on an occasional basis approximately 4 times per year. Subscriptions are free to members. Kickapoo Wood Cooperative, PO Box 71, La Farge WI 54639; domehome@mwt.net; contact person is Paul Bader, 608-625-2515. Editing design, and layout by Lila Marmel, sunmoon@mwt.net; 14150 State Hwy 131, Soldiers Grove WI 54655; 608-624-5269.

Calendar

21-Sep-02 **FIREWOOD CUTTING DAY!** Starting at 8 am. You will need safety gear, your log splitter & chainsaw, and a sack lunch (drinks provided). Sustainable Woods Co-op, 33831 Hwy 14, Lone Rock, WI. 608-583-7100; swc@mhtc.net; <http://www.sustainablewoods.com>

Sep 28 - KWC Introductory Woods Walk at Hayes-Nugent farm, Bloomingdale, WI, 9 am - 1 pm. Forestry professor Ray Guries, DNR forester Brad Hutnik and DNR Wildlife Specialist Dave Matheys will guide the hike. KWC, 625-2515; domehome@mwt.net

Sep 28 - Audubon Center of the Northwoods Open House Including the Grand Opening of the Sustainable Forestry Display. Sandstone, MN. 1-888-404-7743; audubon1@ece.net; <http://www.audubon-center.com>.

Sep 30 - Light on the Land Logging Demonstration: See the abilities of some of the latest timber harvesting equipment used for small-scale logging. Brainerd, MN. LM Products 320-685-8672; lmprod@cloudnet.com; Free.

Oct 4 - Woodland Advisor Program: 40 hours of training in forestry and natural resources stewardship. Graduates are asked to share their knowledge within their communities. Classes will be held Oct 4, 5, 18, 19, 25, 26, and Nov 1 and 2. Carlton County; MN Forestry Association, MN DNR, Univ. of MN; Mike Reichenbach; 218-879-0850; reich027@umn.edu; \$150. \$125 for MFA members.

Oct 5 - **FORESTRY FESTIVAL!** 10am-4pm Amish Horse Loggers, 18th century woodcarving tools, solar kiln tour, sculptures, displays, Food & fun. SUSTAINABLE WOODS CO-OP, 33831 HWY 14, LONE ROCK, 608-583-7100; swc@mhtc.net; <http://www.sustainablewoods.com>; \$5 for Adults & free to children. Open to the public.

Oct 5 - Equine Forestry Conference Horse logging demonstrations. Assisi Heights Convent, Rochester, MN. Tim Carrol, 507-325-4197; \$50

Oct 10 - Forestry Field Day, Yellow River State Forest, 5 miles SE of Rossville, IA on B25, 9 am - 4 pm. \$7 includes coffee, lunch and materials. Cost-sharing, cover crops, tree planting, harvest and regeneration, timber stand improvement, invasives, and more.

Oct. 12 - Timber Stand Improvement Forest landowners will get a hands-on opportunity to understand forest management practice; full-day course. South-Central Wisconsin Rob Nelson, 608-355-0279; rob@aldoleopold.org; <http://www.thewoodlandschool.org>

Oct. 18, 2002 Prescribed Fire for Woodland Management. Learn about the advantages of prescribed burning. South-Central Wisconsin Rob Nelson, 608-355-0279; rob@aldoleopold.org; <http://www.thewoodlandschool.org>

Oct 26 - Field Surveys for Forest Management, Kickapoo Valley Reserve, La Farge WI. A followup to our June workshop on writing management plans, this is where you will learn to measure and calculate timber inventory and site index, essential information for a plan. KWC, 625-2515; domehome@mwt.net

Nov. 2, 2002 Chain Saw Safety: Making the Right Cut This course will follow the standards of the Forest Industry Safety Training Alliance (FISTA). South-Central Wisconsin Rob Nelson, 608-355-0279; rob@aldoleopold.org; <http://www.thewoodlandschool.org>

Nov 13 - Logger training series begins for loggers, foresters and techs working in the Kickapoo region. KWC, 625-2515; domehome@mwt.net

Nov 16 - Timber Stand Improvement, Paul Bader farm, west of La Farge, WI. Learn about the considerations of what to cut and what to leave by helping to mark trees for a TSI harvest. KWC, 625-2515; domehome@mwt.net

Nov. 16 Intermediate Chain Saw Skills-- Advanced felling techniques. South-Central Wisconsin Rob Nelson, 608-355-0279; rob@aldoleopold.org; <http://www.thewoodlandschool.org>

The mission of the Kickapoo Woods Cooperative is to provide sustainable forestry education, management and marketing services to landowners of the Kickapoo Valley and neighboring watersheds.

Kickapoo Woods Cooperative
PO Box 71
La Farge WI 54639

