

- If the court determines partition by sale is appropriate, the property must be offered for sale on the open market at the court-determined value for a reasonable period of time. If the property does not sell at the offered price, the court retains discretion to accept a lower offer or to order a sale by auction or sealed bids.

UPHPA is designed to protect heirs who may be unaware of their property rights and their vulnerability as co-tenants to partition. But nothing in UPHPA prevents co-tenants from reaching agreement voluntarily to sell their shares, or from executing a partition agreement.

It is recommended that the UPHPA be adopted as a separate, parallel statute that applies only when the property to be partitioned meets the definition of “heirs property” contained in the UPHPA. The old law would continue to apply to all other partition actions.

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Safety cont. from page 3

- Hold the saw with two hands with your bar grip hand in a fist fashion with your thumb under the bar, not alongside. This will help in the event of kickback.
- Kickback occurs when the upper quadrant tip of your saw strikes another object while cutting, is reinserted into a previous cut improperly, or the nose of the saw is pushed rather than pulled.
- Felled trees may fall on smaller trees that were not properly cut. These saplings may be under tremendous pressure. Cut them cautiously prior to cutting up the larger tree into smaller sections.
- While cutting, keep your body on the uphill side at all times to prevent the tree from rolling onto you.
- Finally, know the chainsaw’s limitations, know your own limitations, and continuously be on the lookout for potential dangers.

If you follow the guidelines in this article, you should be capable of safely operating a chainsaw and completing any jobs you have planned. Not to mention, returning in one piece to tell your family and friends what you have accomplished. Doing this type of work is rewarding, especially as you sip a hot cup of coffee by a warm wood stove in the winter.

But, if this all seems like a lot to remember and you don’t feel confident that you can safely operate a chainsaw, please be safe and hire a professional to do the work for you.

Resources

- Centers for Disease Control and Prevention: Natural Disasters and Severe Weather <https://www.cdc.gov/disasters/chainsaws.html>
- Chainsaw safety. (2014). Farm and Ranch eXtension in Safety and Health (FReSH) Community of Practice. <http://www.extension.org/pages/66897/chainsaw-safety>
- eXtension and Progressive Farmer. <https://ag-safety.extension.org/chainsaw-safety/>
- Stelzer, H. (2011) Selecting and maintaining a chain saw. University of Missouri Extension. <http://extension.missouri.edu/explorepdf/agguides/agengin/g01954.pdf>

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VIRGINIA FOREST LANDOWNER UPDATE

FALL 2020



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This publication is supported by matching grant funds from the Virginia Forest Stewardship Program administered by the Virginia Department of Forestry in cooperation with the USDA Forest Service.



Volume 34, Number 4

<https://forestupdate.frec.vt.edu>

Fall 2020

VIRGINIA FOREST LANDOWNER UPDATE

Events, news, and information promoting the stewardship of Virginia’s forest resources.

Chainsaw Safety Tips – What you Need to Know

By: Jason Fisher, Virginia Cooperative Extension

During the COVID-19 pandemic, people are spending more time at home. That means many forest landowners and farmers are looking more closely at their woods than ever before. Some are noticing their woods could use a bit of cleaning up and others are interested in activities such cutting firewood for heating and wood for small-scale sawmilling projects. And these do-it-yourselfers are heading out to the woods with a chainsaw.

Chainsaws are valuable labor-saving devices used by many to clear trails, cut firewood, and remove hazard trees. An idling chainsaw runs 2,500 rotations per minute (rpm); at cutting speed, over 8,000 rpm. At this speed, the chain (that is designed to be removed) is moving 88 feet per second and over 60 miles per hour! As you can imagine, in the hands of an untrained and ill-informed operator, a chainsaw can be very dangerous. Remember the part about chains being designed to be removed? This is exactly why chainsaws can be deadly if not used properly.

Just this past winter, I entered into a partnership owning a parcel of land alongside the river near where I spent my childhood days. The land was cut over 30+ years ago and has regenerated naturally. Young oaks, now 40 feet tall, grew among crowded pine, sweetgum, and red maple. The oaks needed to be released from these competitors, and my partner and I set out to do just that. The decision to take our chainsaws and release 25 acres of oaks was not only ambitious, it was also tiring.

Initially, I donned all my personal protective equipment (PPE) each time we went out. But as the spring progressed, the temperatures rose and my chainsaw chaps made me uncomfortably hot and slowed me down. I confess I did not wear them the day we cut small saplings for a road entrance. I was lucky. I know better. I help teach chainsaw safety for the Virginia SHARP Logger Program. When I teach and when I cut large trees, I always wear chaps. I suppose I figured I was not on the job that day. But there is no logical reason to think that my chances of getting hurt are lower when I’m cutting on personal time.

The following weekend, I wore the chaps and headed into the forest. After going through two tanks of gas (it’s wise to take a break after one), I continued on. My back was sore and my legs were heavy. As I stepped towards the next tree, the chain had not stopped turning from the recent cut I made and I hadn’t hit the chain brake before stepping. The chain tore into my left inner thigh as I stepped up over a branch and into the bar and chain. It happened so fast! I remember the saw choking and seeing the Kevlar protectant zipping by my face up into the air.



Wearing PPE while using a chainsaw is the first rule for safety. Jason Fisher demonstrates chainsaw safety and proper cutting techniques during the 2019 Farm Safety Day at Virginia Tech’s Southern Piedmont Agricultural Research Station.

EVENTS CALENDAR			For the most complete listing of natural resource education events, visit the on-line events calendar at https://forestupdate.frec.vt.edu		
Contact	Date	Location	Event	Time	Fee
DCR	Oct., Nov., & Dec.	Virginia's State Parks	A variety of events and activities For a complete list, visit: www.dcr.virginia.gov/parks	Varies	Varies
MP	Year-round	State-wide	Virginia Master Naturalist Volunteer Basic Training Some Virginia Master Naturalist chapters will be holding fall training courses for new volunteers, if conditions allow. Visit http://www.virginiamasternaturalist.org/chapters-a-map-and-contacts.html for a map of chapters and information on training schedules and application procedures as they become available.	Varies	Varies
SREF	On demand	On-line	Forestry Webinar Portal Watch webinars on topics such as: Asian long-horned beetle, establishment and management of longleaf pine, boundary line maintenance, thinning, timber products, and more.	On demand	Free
PSE	Sept. 29	On-line	Proper Chainsaw Sharpening Techniques	7:00 p.m.	Free
PSE	Oct. 1	On-line	Erosion Control in our (PA's) Forests Discuss Pennsylvania's environmental regulatory requirements that pertain to timber harvesting during this webinar.	8:00 a.m.	Free
BRPRISM	Oct. 7 Oct. 22	On-line	Blue Ridge PRISM Invasive Plant Workshops These workshops will enable you to learn how to confidently identify and manage invasive plants.	1-4 p.m.	\$10
JG	Oct. 2 Oct. 9 Oct. 16 Oct. 23	Halifax. Carroll/Grayson Clarke/Warren King William	Fall Forestry & Wildlife Field Tours** These day-long tours will show you a variety of sustainable forestry & wildlife management practices. Tours will be 100% outside. All attendees will drive their personal vehicles - no transportation will be provided. Boxed lunches will be provided. Registration will be limited to ensure adequate physical distancing.	All day	\$25*
PSE	On demand	On-line	Penn State Extension - Forest Taxation: Forest Finance and Timber Tax Education Tax professionals and forest landowners learn about finance, taxation, and timber sales.	On demand	\$160
*meal(s) included; **Pending COVID-19 developments.					

EVENT CONTACTS			
Contact	Name/Affiliation	Phone	e-mail/website
DCR	Virginia Department of Conservation & Recreation	804/786-1712	www.dcr.virginia.gov
MP	Michelle Prysby	434/872-4580	www.virginiamasternaturalist.org
SREF	Southern Region Extension Forestry	http://forestrywebinars.org/	
PSE	Penn State Extension	https://extension.psu.edu/	
BRPRISM	Blue Ridge PRISM	www.blueridgeprism.org	
JG	Jennifer Gagnon	540/231-6391	jgagnon@vt.edu

New and Updated Virginia Cooperative Extension Publications

Search by title here: <https://www.pubs.ext.vt.edu/>

- Timber Theft in Virginia
- Exotic Invasive Plant Species
- Legacy Planning: A Guide for Virginia Landowners – available in November
- Welcome to the Woods! A Guide for Virginia Woodland Owners
- Forest Landowner’s Guide to the Measurement of Timber and Logs
- Exotic Invasive Plant Species; Autumn Olive
- Exotic Invasive Plant Species: Honeysuckle
- Measuring Site Index
- Characteristics of Common Western Virginia Trees

Safety cont. from page 1

The chaps did their job. Thankfully. We were at least 500 yards into the stand and a long way from our vehicles. The lesson? Even if you are a frequent chainsaw user, always wear all your PPE. Lesson two? Engage the chain brake prior to moving. Lesson three? Work at a slow, steady pace and rest as needed.

Recommended Safety Precautions to Reduce Risk of Injury or Death

- Front hand guard is in place.
- The chain brake feature is operating. This will aid in preventing kickback injury. The chain brake should be engaged when you are moving and not cutting.
- Throttle interlock is functioning to prevent unintended throttling.
- Chain catch peg (below sprocket) is present and functioning, should a chain break or fly loose.
- Spark arrestor is in place to prevent sparks from exiting the exhaust.
- Read the safety manual. Follow all recommended guidelines for using the chainsaw. If you don’t have a manual, most are available online.
- Move away from any gas containers before starting the chainsaw.
- With the chainsaw on the ground, engage the chain brake, place one foot inside the rear hand guard, and pull straight upward.
- Disengage the chain break to maintain good throttle control.
- Wear all recommended PPE.

The following are recommended PPE for using a chainsaw:

- Feet: Steel-toed high-top boots with aggressive treads to protect you from slipping and to protect your feet from heavy loads.
- Legs: Clip-on chaps will do IF securely tightened to prevent slipping. Pants-style chaps are more expensive, but offer the best protection. Chaps should be made from ballistic nylon or Kevlar.
- Hands: Cut-resistant or leather gloves.
- Ears: Earplugs and/or earmuffs.
- Face and eyes: A full-face shield or safety goggles/safety glasses with side shields (wrap-around style) to cover your peripheral vision. This will protect your face and eyes from twigs and debris. Prescription glasses are NOT a substitute for goggles or eye wear.
- Head: A comfortable, properly-fitted hard hat to protect your head from small limbs and debris. Do not store your hardhat in the sun as it will become brittle over time. Also, do not place items between the inside netting and the roof of the hardhat. Hardhats are designed to deflect, not store, objects.

Now that you have taken care of yourself, take care of your chainsaw before heading out to the woods.

- Sharpen your chain with the proper file or sharpening system, or take your saw to a nearby service dealer. Sharpening a chain takes skill and doing it incorrectly can be worse than having a dull chain.
- If you see fine dust, notice the saw abnormally heating up, or the bar becoming extremely hot, you should stop. In time, this occurrence will shorten the life of your bar, chain, and eventually the saw.
- Be sure plenty of bar oil is getting onto the chain. Remove the bar and inspect the oil ports for debris that will prevent good oil flow – this WILL happen with nearly every lengthy use of the saw. Inspect the gear wheel inside where the chain feeds around for excessive wear as it may need replacing after excessive use.

Once in the woods, there are a few additional safety tips while operating the saw:

- Tell someone where you will be working with your chainsaw, especially if you go alone (which is not advisable).
- Look for overhead hazards such as dead limbs and trees hung up on others.
- Determine a safe felling direction for the tree and make corrections as needed based on the direction the tree is leaning. Have a safe escape route 45 degrees from the base of the tree you are cutting.
- Be sure children, pets, or bystanders are at least two tree lengths (or 150 feet) away when you are ready to begin cutting.

Ensuring Rightful Property Ownership Through the Uniform Partition of Heirs Property Act

By: Ebonie Alexander, Black Family Land Trust, and Parker Agelasto, Capital Regional Land Conservancy

Editor: This article, published earlier this year by the Virginia Conservation Network, was reprinted with permission from the author. Since it was published, the UPHPA has passed and become law in Virginia.

Heirs property refers to land that has been passed down informally from generation to generation. In most cases, it involves landowners who died without a will and the land is owned “in common” by all of the heirs, regardless of whether they live on the land, pay the taxes, or have ever set foot on the land.

More than 900,000 black-owned farms comprised 14 percent of all farms in the US in 1920, yet the number of black-owned farms dropped 95 percent to under 46,000 in 1974. Researchers at Auburn and Tuskegee Universities estimate that there are between 150,000 to 175,000 acres of heirs property owned by people of any race or ethnicity in the 36 Black Belt counties in Virginia and that this property conservatively is valued at \$650 million.

The rate of intestacy among African Americans is more than double the rate of intestacy among white Americans, and only about 20 percent of African Americans have wills. Heirs property therefore continues to be the leading cause of Black involuntary land loss.

The Uniform Partition of Heirs Property Act (UPHPA), a project that the American Bar Association’s Section of Real Property, Trust and Estate Law helped convince the Uniform Law Commission to undertake in 2007, seeks to address partition action abuses that have led many Americans to lose their tenancy-in-common property involuntarily in various legal proceedings. The UPHPA preserves the right of a co-tenant to sell his or her interest in inherited real estate, while ensuring that the other co-tenants will have the necessary due process, including notice, appraisal, and right of first refusal, to prevent a forced sale. If the other co-tenants do not exercise their right to purchase property from the seller, the court must order a partition in kind if feasible, and if not, a commercially reasonable sale for fair market value. Heirs property disproportionately impacts middle and low income families and communities that do not have access to affordable legal services.

This UPHPA has passed in 13 other states, including Alabama, Arkansas, Connecticut, Georgia, Hawaii, Iowa, Illinois, Missouri, Montana, Nevada, New Mexico, Texas and South Carolina. Legislation is pending in the District of Columbia and New York, where support seems strong. States that have adopted the UPHP Act have reported no fiscal impact. One of the reasons why this matters now is that in the 2018 Farm Bill, there is language that allows USDA dollars to be used to resolve heirs property if the property is in one of the states that has adopted the UPHP Act; allowing landowners the ability to fully participate in federal and state programs.

