



The "Well"

Hidden Danger

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Wildland firefighters face many potential hazards while doing their jobs. As the state agency tasked with protecting the vast forestland of Alabama, the Alabama Forestry Commission is a safety-conscious organization that provides extensive safety training for its personnel, accident reviews, and annual fire refresher classes, as well as personal protective clothing for wildland firefighting. New employees must attend various training courses before they can engage on a wildfire. All of this is done to instill situational awareness in wildland firefighters so they can recognize and avoid unnecessary risks while completing an inherently dangerous task.

Some hazards, however, are not as obvious as the wildfire that you're trying to suppress. We encounter snakes, yellow jackets, hornets, barbed wire fences, underground gas lines, guy wires, bluffs, mining high walls, mine shafts, hazardous flumes, burning snags, and even inebriated individuals – not to mention lots and lots of smoke. (With respect to my colleagues, I do realize this is not a complete list.) There are other perils, but the one that got me was the well.

Several years ago, retired and now deceased AFC associate Vernon Tucker and I were dispatched late one afternoon to a wildfire which was burning in a pine stand. We met at the fire and got in one vehicle to discuss our plan of attack, as it was becoming dark and beginning to sprinkle rain. We were hoping

the rain would increase and extinguish the blaze so we could go home. After a while, we decided that instead of waiting to see what the weather would do, we would each use a rake or shovel to put out the remaining fire so we could be on our way.

Picking up our equipment, we walked into the forest and began using our hand tools to suppress the fire. I moved away from the area where Vernon was working to extinguish flames in another location. It was at this other location that I took a step and suddenly began a fast vertical descent, straight down. I reached out my hands, but it seemed there was nothing to grab onto to break the fall. Landing feet first, I realized I was in a well. Fortunately, there was no water at the bottom, but it was very dark. Assessing my condition, amazingly, I had come out pretty much unscathed. The challenge now was how to get out.

The wall of the well was completely vertical, so climbing out without help presented a big problem. I knew my best chance of being rescued quickly was to see if I could holler loud enough so that Vernon could hear and locate me. After a bit of hollering, there was just enough light in the sky to see the silhouette of a man's torso appear over the well hole at the top . . . I had been found.

Vernon had heard my call for help, but was wondering how I had gotten so far from where he was working in such a short period of time, not realizing I was hollering from the bottom of a well. We began a discussion on how to get me out. We consid-

ered calling the rescue squad, but decided against that as I did not want to panic my family who was probably listening to the scanner. Then we thought of using a log chain that we kept on hand for those occasions when our dozer got stuck. Vernon retrieved the chain from the dozer, securing one end around a pine tree and lowering the other end down into the well. Using the chain, I quickly pulled myself out.

Later, I measured the depth of the well at 14.5 feet. It had probably been filled in years ago and had sunk over the years. Luckily, it wasn't 80 feet deep with water at the bottom.

Yet again, I had another close encounter with a well while battling a wildfire. One night while carrying a back-pack water pump on a fire, I walked right up to the edge of a well. But this time, I saw the hole from the light of the fire.

Based on Alabama law (Alabama Code section 13A-11-220 (a) (2)), it is a Class B misdemeanor to have an abandoned well that is not protected in order to prevent someone from falling in. The law states that a person commits the crime of creating a hazard if:

“Being the owner or otherwise having possession of land upon which there is an abandoned well, cistern or cesspool of a depth of four feet or more and a top width of 12 inches or more, he fails to fill, cover or fence it with a suitable protective construction.”

The law does not state that the landowner or person having possession must have knowledge of the hazard. Landowners should be knowledgeable enough about their property to know if they have a hazard on their land and make suitable protective construction to neutralize the hazard.

Trespassers are not generally afforded the same degree of protection as invited guests or someone paying a fee to use your property, such as with a hunting lease. Young or inexperienced hunters could become lost and wander onto your property as unintentional trespassers. The law does not state that you are exempted from additional charges or civil liability should someone, even a trespasser, fall into a well and be injured or killed. This could open the door for more serious charges such as reckless endangerment, criminally negligent homicide, and the possibility of a civil suit.

Additionally, some government officials, under certain circumstances, have the statutory authority to enter forestland without first notifying the landowner. For example, the Alabama Forestry Commission has the authority to suppress wildfires on private property without prior notification of the landowner. This is necessary so suppression action can be implemented quickly to save as much property for the landowner as possible and prevent the spread of the wildfire to adjoining landowners.

Being a forest landowner provides many rewards for enjoyment and financial gain, but it also entails some legal responsibilities. If you have an abandoned well on your property and you take the necessary action to protect others, you are also protecting yourself from possible criminal charges and lawsuits.†

Photos by Johnna Franks

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