

Trinity-Neches Forest Landowner

Association Newsletter Third Quarter, 2011

*Next Meeting

Date: To be
announced soon

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*Wildfires in Texas, 2011 Fire Season - Texas Initial Attack Fact Sheet**



Number of days on incident: 241

Total number of fires: 14,929
Handled by Texas Fire Departments: 13,017
Handled by Texas Forest Service: 1,912

Total number acres burned: 3,301,397
(exceeds previous record of 2,105,361 acres set in 2005-2006)
Acres handled by Texas Fire Departments: 792,250
Acres handled by Texas Forest Service: 2,509,147

Total aviation drops: 28,201
Gallons of water dropped: 14,250,877
Gallons of fire retardant dropped: 3,679,512

Most flight hours recorded in a single day: 238.39 (20 June 2011)
Most gallons of water and retardant dropped in a single day: 792,393
(20 June 2011)

(Note: all air operation figures are from 21 Dec. 2010, when record-keeping began)

Personnel currently on incident: 1,238

Number of states that have sent firefighters or other personnel:
46 plus District of Columbia and U. S. Virgin Island

Texas counties with burn bans: 244 of 254
(exceeds previous record of 221 set in 2006)

Texas counties struck by wildfire: 190 of 254

Total homes and structures saved: 31,781
Homes saved: 22,093
Other structures saved: 9,688

Total homes and structures lost: 2,258
Homes lost: 586
Other structures lost: 1,672

*Of the total 14,929 fires which burned 3,301,397 acres statewide since
November 15, 2010, East Texas had 1,291 fires covering 62,564 acres.*

MOST FIRES ARE CAUSED BY HUMANS

**Fact sheet prepared by the Lone Star State Incident Management Team and provided by Jan Amen, TFS Fire Prevention Specialist, Lufkin, Texas and East Texas data provided by Doug Kroon Van Diest, TFS Staff Assistant, College Station, TX. Figures are from November 15, 2010 to July 15, 2011, unless noted otherwise. See: <http://www.inciweb.org/incident/article/2315/12136>.*

Websites of Interest -

Drought, Wildfire and Forest Health -



<http://texasforests.tamu.edu/main/article.aspx?id=13768>

Texas Drought Conditions -

<http://atmo.tamu.edu/osc/drought/> or
<http://www.tceq.texas.gov/response/drought>

Firewise Guide to Landscape and Construction -

<http://www.firewise.org/~media/Firewise/Files/Pdfs/landscaping.pdf>

National Weather Service, National Hurricane Center -

<http://www.nhc.noaa.gov/>

The role the Texas forest sector plays in the state's economy -

http://www.texasforestry.org/images/uploads/may_the_forest_be_with_you_facts_for_web.pdf

Texas Commission on Environmental Quality's (TCEQ's) guide to surface water rights in Texas -

http://www.tceq.texas.gov/publications/gi/gi-228.html#at_download/file

How Rights to Surface Water Are Prioritized -

<http://www.tceq.texas.gov/response/drought/waterrights.html>

IRS, Timber Casualty Loss Audit Technical Guide -

<http://www.irs.gov/businesses/small/article/0,,id=238854,00.html>

Federal Income Tax on Timber – A Key to Your Most Frequently Asked Questions, R-8-TP34,

<http://www.fs.fed.us/spf/coop/library/timbertax.pdf>

Texas Parks and Wildlife Department and Water Quality – from Texas Water Source, August, 2010



Protecting fish and wildlife resources will become increasingly important as the demand for water increases and water availability decreases statewide.

Texas Parks and Wildlife Department (TPWD) has regulatory responsibility for recreational fishing in Texas' waters and regulates commercial fishing along the Gulf coast. It is also the state trustee for aquatic resources, but has no regulatory authority to ensure water quality and quantity for fish, wildlife, and recreational resources. TPWD's key role in water is to provide accurate scientific

data on the water needs of fish and wildlife. The Department focuses on maintaining and restoring sustainable aquatic life and maintaining fishable and swimmable designations in the state's waterways. An important component of this work is integration of data on aquatic communities, on physical, chemical and habitat parameters and on adjacent land uses. TPWD works with regional and state water planning stakeholders and works closely with regulatory agencies in an advisory capacity to protect and enhance water quality and to assure adequate in-stream flows for rivers and freshwater inflows for bays and estuaries.

For more information, please see

http://www.tpwd.state.tx.us/publications/pwdpubs/pwd_pl_e0100_0867/tpwd_roles/water_for_rec/ or
http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/water_quality.

Texans Helping Texans – How You Can Help –



<http://texasforests.tamu.edu/main/article.aspx?id=13348>

Those who want to help the volunteer fire departments (VFDs) battling the devastating 2011 wildfires are encouraged to donate directly to their local VFD.

Additionally, Texas Forest Service has established the VFD Emergency Assistance Fund to help volunteer fire departments. Donations are tax deductible and can be earmarked for particular departments, counties or regions. All proceeds (100 percent) will be distributed to volunteer fire departments via grants for firefighting expenses.

For a list of fire departments, please see:

<http://tfsfrp.tamu.edu/fdd/directory/>. Not all fire departments listed are **volunteer** fire departments.

Checks should be made payable to Texas Forest Service. If you'd like your donation to go to a specific department, region or county, please indicate that on the check.

Donations can be mailed to:

**Texas Forest Service
John B. Connally Building
301 Tarrow, Ste. 421
College Station, Texas 77840-7896**

If you have additional questions about how you can help, email HelpingTexas@tfs.tamu.edu.



Forestry Terminology 101 –



Texas Forest Service:

<http://texasforests-service.tamu.edu/main/popup.aspx?id=187>

This list is the eleventh in a series of forestry definitions that will be useful to forest landowners and others interested in better understanding forestry.

Log - a unit of measure of the trunk portion of a tree equal to 16 feet in length

Logging - the felling and transportation of wood products from the forest to a delivery location

Logging Debris/Slash - the unwanted, or unutilized and generally unmarketable accumulation of woody material such as large limbs, tops, cull logs, and stumps that remain in the forest as residue after logging

Log Rule - an equation used to calculate the amount of lumber that can be cut from logs

Low Water Bridge - a stream crossing structure built with the expectation that, during periods of high water or flood, water will flow over the structure

Lump-Sum-Sale - that sale of a defined area of standing trees for a set price

MBF - an abbreviation meaning one thousand board feet

Mechanical Planting - planting tree seedling with a planting machine that is pulled by a tractor

Merchandising - the practice of separating timber into product classes thereby increasing value for the timber

Merchantable - that part of a tree that can be turned into a product and sold for a profit

Merchantable Timber - a stand where the trees are of sufficient size and volume to provide a commercial cut

Mill Scale - paying the landowner for the volume of lumber produced at the sawmill

Mineral Soil - organic free soil that contains rock less than 2 inches in maximum dimension

Mortality - expressed as trees or percent of growth dying within a certain time frame

Market Report – March/April, 2011

Product	Statewide Ave. Price		Previous Ave. Price		Price/Ton Difference
	Weight	Volume	Weight	Volume	
Pine-Sawlogs	\$24.77/ton	\$194.88/mbf	\$21.29/ton	\$166.49/mbf	+16%
Pine-Pulpwood	\$5.31/ton	\$14.34/cord	\$6.48/ton	\$17.49/cord	-18%
Pine-Chip'n'Saw	\$10.22/ton	\$27.61/cord	\$11.70/ton	\$31.58	-13%
Mixed Hardwood-Sawlogs	\$24.19	\$220.03	\$29.51	\$265.60	-18%
Hardwood-Pulpwood	\$6.00	\$16.31	\$7.71	\$21.68	-22%

Texas Timber Price Trends is a bimonthly publication reporting average prices paid for standing timber in Texas. *This report is intended only as a guide to general price levels.* It should not be used to judge the fair market value of a specific timber sale, which may vary considerably due to many factors. It is recommended that you use the services of a professional consulting forester in managing any timber sale. Important factors affecting timber prices include the type, quality and volume of timber for sale, accessibility, distance to mills/markets, weather conditions, economy/market conditions, who is handling the sale or is buying the timber, and contract requirements by the landowner. Hard copies of this publication can be purchased by contacting Monica Jadowski at (979)458-6630. The complete Texas Timber Price Trends can be viewed at <http://texasforests-service.tamu.edu/main/article.aspx?id=145>.

Conversion factors between volume and weight vary from sale to sale, so the differences in volume prices above may not equal differences in weight prices.

Stumpage price statistics include gateway sales (estimated by subtracting cut-and-haul costs, other expenses and profits provided by reporter).

Statewide data excludes U.S. Forest Service sales.

Price calculated from specific conversion factor reported for each sale if available; otherwise, average conversion factors listed on page 4 of *Texas Timber Price Trends* (<http://texasforests-service.tamu.edu/main/article.aspx?id=145>) are used. MBF = thousand board feet. Doyle Scale used for board foot measurements.

Wildlife Habitat Incentive Program (WHIP) - Shane Harrington, Staff Forester II, Texas Forest Service, Temple, TX



Many landowners today manage their property for multiple uses such as timber production, wildlife, and recreational opportunities. For landowners who place an emphasis on wildlife can still achieve income from timber production while supporting wildlife habitat. Growing trees and managing wildlife go hand in hand and certain practices for one can benefit the other. For instance thinning out stands allows more sunlight to penetrate the forest floor promoting new growth of native grasses, forbs, and woody browse that wildlife depend on for nesting and feeding.

The Natural Resource Conservation Service (NRCS) has a program that may be beneficial for those landowners who are interested in establishing and promoting quality wildlife habitat. Through the Wildlife Habitat Incentive Program (WHIP) landowners can apply for and receive cost share dollars for implementing practices that are beneficial for wildlife and that establish and promote healthy habitat. Practices such as prescribed burning, tree planting, tree planting, herbaceous weed control, and others can be cost shared through the WHIP program. Landowners who qualify for the program can receive a 60% cost share on approved practices but cannot receive more than \$50,000 in payments per year.

Certain practices like prescribed burning allow landowners to economically remove hazardous fuel loads from the understory which may prevent their property from being adversely affected by wildfires. Also through prescribed burning landowners are able to promote new vegetative growth that is higher in nutrition and more palatable for wildlife. Tree planting can also be cost shared although species selection is based upon the value they provide to wildlife. Most hardwood species along with Longleaf Pine can be planted and both provide quality habitat for numerous wildlife species.

Programs such as WHIP provide an excellent opportunity for those landowners who wish to focus more on wildlife and can reduce the expense of implementing beneficial practices. Applications for WHIP can be submitted at anytime throughout the year by contacting your local NRCS office. Interested landowners should contact their local NRCS office for eligibility requirements and to see what practices are available. More information about the WHIP program and others can be found by visiting www.tx.nrcs.usda.gov/programs/.

Surface Water Rights in Texas – TCEQ website, http://www.tceq.texas.gov/publications/gi/gi-228.html/at_download/file

The law behind the rights to surface water in Texas - that is, the water in our state's rivers, streams, reservoirs, estuaries, and bays - can seem murky and confusing to anyone who doesn't make a living by studying it.

Add to this confusion the unpredictable nature of Texas weather - it seems that there is plenty of water when you don't need it, and never enough when you do - and it's easy to understand what was meant by the old expression, "Whiskey is for drinking; water is for fighting."

The Texas Commission on Environmental Quality (TCEQ) is the state agency responsible for managing water rights in Texas.

Their online guide to surface water rights in Texas is an attempt to explain basic water-rights law clearly. This guide will give you only a general overview of this body of law, answering the most significant questions involving who has the right to use which water. It is a primer on water law, not the final word. For the final word, please consult the related laws and rules related to your water rights. For an interpretation of the law as it affects your particular case, TCEQ urges you to consult your attorney.

The guide is written in a conversational style. When a heading is a question, it is phrased as you would ask it—for example, "How can I get a water right?" When they guide says "you," it means you, the reader, as someone who either uses or would like to use surface water in Texas. "We" means the Texas Commission on Environmental Quality. Below is an excerpt from the guide.

Who owns this water?

Surface water in Texas is owned by the state and held in trust for the citizens of the state. The state grants the right to use this water to different people, such as farmers or ranchers, as well as to cities, industries, businesses, and other public and private interests.

Do I need permission to use this water?

Yes, anyone who wants to use surface water in Texas must first get permission from the state *unless* they are using the water for one of several "exempt uses" in the Texas Water Code. These exempt uses allow anyone to use surface water without getting permission:

◆ *Domestic and livestock use.*

Also called D&L use, this refers to water used to water range livestock, meet household needs, or irrigate a yard or home garden. Many Texans have found that they can meet some of their domestic water needs by

Surface Water Rights in Texas, continued from Page 4.

collecting rainfall from the roofs of their homes and outbuildings. This source of water is not considered surface water and is not subject to permitting under Chapter 11 of the Texas Water Code. The Texas Water Development Board has good information about rainwater collection, including a list of contractors throughout Texas, available online at <http://www.twdb.state.tx.us> or contact the Public Drinking Water Section at (512) 239-4691 for the most current information.

If you live on a river or stream and use the water in this way, then you do not need a permit. You may also impound water in stock tanks on your property, provided that the average volume of water stored in any 12 consecutive months is 200 acre-feet or less. D&L use is exclusive to the owner of property adjoining a stream. You may not sell the water or the water right separately from the land, and, if you sell the property, this exemption stays with the property.

◆ ***Wildlife management.***

In 2001, the Legislature added wildlife management as an exempt use. Under this use, you may build on your own property a dam or reservoir that normally holds no more than 200 acre-feet of water. This reservoir must also be on qualified open-space land, as defined by Section 23.51 of the Texas Tax Code. If you have questions about whether you qualify for this exemption, call our Water Rights Permitting and Availability section at 512-239-4691 or e-mail TCEQ at wras@tceq.texas.gov.

◆ ***Emergency use.***

County fire departments, rural fire departments, and other similar public services may draw water from local reservoirs when needed to deal with an emergency.

◆ ***Other specified uses.***

The Water Code's less common exempt uses may under certain conditions include the use of water in fish or shrimp farming, in drilling for and extracting oil, or for sediment controls in surface coal mines. Retaining water with spreader dams or terraced contours is also considered an exempt use. Under these exempt uses, you may take water from a stream. However, if your operation adds sediment or other contaminants to the water before you discharge it, you should determine whether you may need to obtain a water quality permit from TCEQ.

In all other cases, before you can use surface water, you first need permission from the state in the form of a document called a water right. To clearly distinguish between your right to water for an exempt use and a documented water right, we will refer to the documented rights as appropriated water rights in the rest of this guide.

What kinds of water rights exist?

In Texas, there are a number of forms of appropriated water rights:

- ◆ perpetual rights, including:
 - ◇ certificates of adjudication
 - ◇ permits
- ◆ limited-term rights, including:
 - ◇ term permits
 - ◇ temporary permits

A more complete explanation of each of these appropriated water rights appears in a special section at the end of the guide. For now, though, all perpetual appropriated water rights have these features in common:

- ◆ They have an assigned priority date. This date determines your place in line for available water.
- ◆ Regardless of the priority date, whenever there is less water than is needed to satisfy all water rights in a basin, each appropriated right is behind the D&L users in line for the available water.
- ◆ They specify the volume of water that you may take or use each year.
- ◆ They allow you to impound this water (for example, to store it in a reservoir above a dam), to divert it (for example, to pump it from the stream), or both:
 - ◇ A right to impound water is called an impoundment right. An impoundment right will specify the location of your dam, the capacity of your reservoir, and any special conditions placed on your right to impound water—for example, “may impound only the portion of the streamflow that exceeds 100 cubic feet per second.”
 - ◇ A right to divert water is called a diversion right and is often referred to as a run-of-the-river right. A diversion right will specify where you may divert water (that is, your diversion point), the rate at which you may divert water, and any special conditions placed on your right to divert water—for example, “may divert only between October 1 and November 30 of each year.”
- ◆ They do not guarantee that this water will always be available to you. (Only adequate rainfall and springflows can ensure that.)

In addition, perpetual rights are regarded as property interests, so they may be bought, sold, or leased. Term permits and temporary permits do not have priority dates and are not property rights.

For more information, please see the website or write Water Supply Division MC-160, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 239-4691.

Calendar of Events

- August 26, 2011 Forest Landowners' Wildlife Management Workshop, Arthur Temple College of Forestry, Stephen F. Austin State University, Conference Room 117, 9:00 a.m. – 2:00 p.m. Cost - \$25, includes lunch. For more information or to register, please go to the Texas Forestry Association webpage at http://www.texasforestry.org/images/uploads/wildlife_seminar_flier.pdf or call (936) 632-8733. Please RSVP by August 9, 2011.
- September 17, 2011 Field tour of the Schwausch Tree Farm, 22531 FM 95 S, north of Garrison, 9 a.m. – 2 p.m. The event is free and lunch is provided. Please RSVP before September 12th by calling (936) 632-8733 or email tfa@texasforestry.org. More information and directions will be available on the TFA website <http://texasforestry.org> in early August.
- October 19-21, 2011 Save the Date! Texas Forestry Association Annual Meeting, Galveston, TX. Contact TFA at (936) 632-8733 for more information or check the TFA website the middle of August (<http://texasforestry.org>).

Garden Seminars and Workshops, 9:00 a.m. – noon, SFASU, Nacogdoches, Texas

- October 15, 2011 **A Walk in the Forest: Identifying Your East Texas Trees** with Trey Anderson. Pineywoods Native Plant Center, 2900 Raguet Street. \$15 members, \$20 non-members.

For more information or reservations, contact the Education Office at (936)468-1832 or email erodewald@sfasu.edu.

President's Message

The lack of rain and excessive heat has caused all of us to pray for rain. I see large hardwoods showing stress and have lost two on my farm. As I drive around East Texas I see more trees lying in the roads and right-of-ways than ever before.

Jason Ellis, myself and other tree farmers attended the Cherokee County EQIP LWG meeting in May and would encourage all to attend these in the future. NRCS is trying to contact more community based organizations. This is our chance to voice opinions on how the annual funding will be shared in each county.

Gary Dominy has been nominated for Texas Tree Farmer of the Year. He is a Board of Directors member of the Trinity Neches Forest Landowners Association since its beginning. Gary owns timber in Cherokee and Anderson County. We wish him the best.

On May 19th Governor Rick Perry signed Senate Bill 18, which significantly changes Texas Eminent Domain Law. These changes take effect September 1, 2011 and apply to all eminent domain petitions filed after that date.

Texas Forestry Association will host its 97th annual convention at The Tremont House on the strand in Galveston, Texas on October 19-21, 2011. "May The Forest Be With You" is the theme of this year's meeting, which will highlight current and future markets, issues facing forest landowners, new ownership, next generation landowners and more. Speakers include Ted Abernathy, Executive Director of Southern Growth Policies Board, who will give a presentation on the future of the forest economy; Suzanne Hearn with Forest2Market; Brent Keefer, Hancock Forest Management; and John Grier and David Wear USDA, Southern Forests Future Project. An additional afternoon workshop for meeting attendees will include a presentation on disconnect (generational) to the land; family connections; and estate planning, all of which are beneficial to sustain the timberlands of East Texas.

For a complete list of speakers and topics, as well as the pre-conference opportunities, visit Texas Forestry Association's website at www.texasforestry.org or email tfa@texasforestry.org