

Trinity-Neches Forest Landowner

Association Newsletter Second Quarter, 2013

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Supreme Court Rules in Favor of Forest Industry - Matthew McBroom, Ph.D., CF, Arthur Temple College of Forestry and Agriculture, Stephen F. Austin State University

In a landmark decision issued on March 20, 2013, the Supreme Court overturned the 9th Circuit Court of Appeals' decision that forest roads must be regulated as point sources, requiring a National Pollutant Discharge Elimination System (NPDES) permit from EPA. At issue was whether logging decks (sets) are industrial processing centers. Attorneys for the defendant in the Supreme Court Case, the Northwest Environmental Defense Center (NEDC) argued that delimiting, cutting to length, and loading logs at log decks is an industrial activity (like at a papermill or sawmill) and therefore landowners must obtain a permit from EPA before these activities can be conducted. This costly and burdensome procedure would have forced forest landowners to divert their limited resources into a "...complicated and legally perilous permitting program that will not marginally improve water quality", stated Dave Tenny, President and CEO of the National Alliance of Forest Owners (NAFO).

EPA meanwhile sided with the forest industry against an environmental advocacy group (NEDC) in part due to the strength of nationwide best management practices (BMP) programs. In September 2012 EPA issued a clarification of its rules changing stormwater regulations "...to clarify that stormwater discharges from logging roads do not constitute stormwater discharges associated with industrial activity." Numerous organizations and state forestry agencies representing forest landowners supported EPA's ruling in this case. For the first time in its 112 year history, the Society of American Foresters submitted an amicus brief to the Supreme Court. Signatories of this brief included over 40 university scientists and forestry professionals. The brief stated: "Based on *Amici's* experience and research, EPA's approach is sound. As reflected in the scientific literature, and confirmed by practical experience, BMPs are an effective and efficient approach to manage stormwater runoff in areas where silvicultural activities have occurred, including runoff from forest roads, ditches, and culverts."

In its near unanimous decision, the Supreme Court found in favor of the forest industry. Justice Kennedy, writing for the majority, stated that, "Log sorting and loading in the forest is not an industrial activity, but is part of normal forest harvesting which is exempted from NPDES." Furthermore, the Court noted that States "...have made an extensive effort to develop a comprehensive set of best management practices to manage stormwater runoff from logging roads." Finally the court concluded that "...**further Federal regulation in this area would be duplicative or counterproductive.**" (emphasis added)

For many years numerous members of the forestry community have been leery about voluntary BMPs in Texas, feeling that the BMP manual would be the stick that the regulatory community would use to beat the forest industry into more burdensome regulations. However, this landmark case establishes that this concern is unfounded. BMPs are not the club the government will use to beat forestry with. BMPs are the **SHIELD** to protect from encroaching Federal regulation. The Supreme Court has now recognized the validity of State BMP programs.

Continued vigilance is need on this issue. Even though this watershed decision is a great victory for the forestry community, NEDC in media interviews after the case vowed that "...it will pursue all available avenues, including further litigation, until permits are required for forest roads." The regulation of forest roads now rests firmly in EPA's discretionary authority. The forest industry must continue its good faith effort with scientifically valid BMPs to maintain the quality of the Nation's waters.

Updating of Famous Trees of Texas -

Texas A&M Forest Service news release. Photo: Peach Point Oaks, Brazoria County



Texas A&M Forest Service, which oversees the *Famous Trees of Texas* registry, recognizes trees that have witnessed exciting periods and events in Texas history. The original 81 “famous trees of Texas” were memorialized in a book published by TFS in the 1970s and 1980s. Only 57 of those are still alive. The book, *Famous Trees of Texas*, is now presented in an online format (<http://famoustreesoftexas.tamu.edu>) with updates to reflect the status of the trees. There is also an online photo album of those trees at <https://www.facebook.com/media/set/?set=a.10151555511202176.556695.283145907175&type=1>.

As famous trees of Texas occasionally succumb to the ravages of time, nature and neglect, Texas A&M Forest Service seeks to augment this distinguished group through nominations of additional famous trees, such as the recently added Goliad Anacua and Old Baldy.

The general public can make nominations through the website that will be reviewed by a steering committee. The criteria include:

- Tree is located at or near the site of a significant state, county or community event and must have been alive at the time of the event.
- Tree is directly connected to the War for Texas Independence, the Republic of Texas or another of the *Historical Topics* on the Famous Trees of Texas website.
- Tree is recognized by a Texas Historical Commission marker or is identified in historical records, newspaper accounts or photos.
- Tree is in reasonably good health and is likely to remain so for the foreseeable future.

The agency is seeking nominations to bring the total number of Famous Trees to 100 by 2015, the 100th anniversary of Texas A&M Forest Service. For additional information, visit <http://tfsweb.tamu.edu>.

Hot Debate – Stacking Firewood Bark Up or Bark Down? – from USFS, Forest Products Laboratory (FPL), Lab Notes, February 21, 2013, by James T. Spartz.

“You can tell a lot about a person from his firewood stack.” So declared Lars Mytting in a recent New York Times piece. The central question remains: bark up or down?

Given that the audience in Norway seems split 50/50 on proper firewood stacking technique, FPL put the question to a couple of the Forest Service experts.

“It would be humorous if it was all semantics.” says Mark Knaebe, natural resources specialist with the FPL Technology Marketing Unit. But it does make a difference, he says. If split wood is stored outdoors, stacking it with the bark side down can allow water to collect in the u-shaped trough. This moisture retention can prolong drying and accelerate decay, says Knaebe. Stacking it outdoors with the bark-side-up, on the other hand, can help protect the pile of wood below from rain and other weather.

Many people store wood in some type of shelter. In this case, the bark up-or-down debate becomes fairly inconsequential, says Knaebe. With even a slight breeze moving through the shelter, he says, drying occurs considerably faster than in a dead-air space.

Does stacking wood bark side up protect unsheltered wood from long-term photo-degradation? Sunlight can certainly affect checking and splitting in wood. But does it affect Btu’s?

Knaebe, a wood energy expert, responds that while ultra-violet light can indeed destroy lignin, which has a higher Btu than the rest of wood’s constitutive parts, it wouldn’t be enough to significantly affect actual thermal output.

In the end, an answer to the “bark up or bark down” question seems to be: it depends. When storing split wood under shelter, where air-flow becomes more important, bark up or bark down seems to be a matter of personal preference. There is also the question of ease of handling, says Wiedenbeck. Bark down, she says, means wedge-side-up makes it easier to pick off the pile.

To see how firewood compares to other sources of energy, take a look at FPL’s Fuel Value Calculator at <http://www.fpl.fs.fed.us/documnts/techline/fuel-value-calculator.pdf>.

Forestry Terminology

101 –

Texas A&M Forest Service:

<http://tfsweb.tamu.edu/main/popup.aspx?id=187>



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

Setting- the forest land area within an individual harvesting unit in which skidding is directed to one or more landings on a forest road

Shade Tolerance- a tree’s capacity to develop and grow in the shade of and in competition with other trees

Shearing- a site preparation method that involves cutting brush, trees, and other vegetation at the ground level using tractors equipped with angled or v-shaped cutting blades

Sheet Erosion- the removal of a fairly uniform layer of soil removed from the soil surface by water runoff

Sheet Flow- runoff from a rainstorm intense enough to cause direct overland flow of water before entering a receiving stream

Shelterwood Method- a natural regeneration method in which the trees are removed in a series of two or more cuttings to allow the establishment and early growth of the new seedlings under the partial shade and protection of the older trees

Sidecast- the material or the act of moving excavated material to the side and depositing such material laterally to the line of movement of the excavating machine

Silvics- the study of the life history and general characteristics of forest trees and stands with particular reference to locality factors, as a basis for the practice of silviculture (SAF Interpretation)

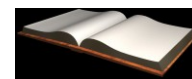
Silvicultural Activities- all forest management activities, including intermediate cuttings, harvest, log transport, and forest road construction (EPA interpretation)

Silviculture- generally, the science and art of cultivating (i.e. growing and tending) forest crops, based on a knowledge of silvics; and more particularly, the theory and practice of controlling the establishment, composition, constitution and growth of forests (SAF Interpretation)

Site Index- a measure of site quality based on the height of the dominant and codominant trees of the stand at a specified age (usually 25 or 50 years)



Market Report – Nov.-Dec., 2012



Product	Statewide Ave. Price		Previous Ave. Price		Price/Ton Difference
	Weight	Volume	Weight	Volume	
Pine-Sawlogs	\$25.41/ton	\$196.74/mbf	\$24.52/ton	\$189.31/mbf	+4%
Pine-Pulpwood	\$5.69/ton	\$15.36/cord	\$5.78/ton	\$15.60/cord	-2%
Pine-Chip’n’Saw	\$11.03/ton	\$29.79/cord	\$11.50/ton	\$31.06/cord	-4%
Mixed Hardwood-Sawlogs	\$30.81/ton	\$277.30/mbf	\$26.97/ton	\$253.37/mbf	+14%
Hardwood-Pulpwood	\$7.46/ton	\$20.88/cord	\$8.96/ton	\$25.09/cord	-17%

** Indicates insufficient sales to report price statistics (fewer than three sales).

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://tfsweb.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.tamu.edu/main/article.aspx?id=145>) are used. MBF = thousand board feet. Doyle Log Scale used for board foot measurements.

Second Quarter, 2013

Field Notes –*personal reflections about our forests and trees***Excerpts from Theodore Roosevelt's
1901 State of the Union Address** – from *Forest**Landowners Association e-newsletter, February 12, 2013,*<http://www.forestlandowners.com/displaycommon.cfm?an=1&subarticlenbr=536>

Public opinion throughout the United States has moved steadily toward a just appreciation of the value of forests, whether planted or of natural growth. The great part played by them in the creation and maintenance of the national wealth is now more fully realized than ever before.

Wise forest protection does not mean the withdrawal of forest resources, whether of wood, water, or grass, from contributing their full share to the welfare of the people, but, on the contrary, gives the assurance of larger and more certain supplies. The fundamental idea of forestry is the perpetuation of forests by use. Forest protection is not an end of itself; it is a means to increase and sustain the resources of our country and the industries, which depend upon them. The preservation of our forests is an imperative business necessity.

The practical usefulness of the national forest reserves to the mining, grazing, irrigation, and other interests of the regions in which the reserves lie has led to a widespread demand by the people of the West for their protection and extension. The forest reserves will inevitably be of still greater use in the future than in the past. Additions should be made to them whenever practicable, and their usefulness should be increased by a thoroughly business-like management...

The forest and water problems are perhaps the most vital internal questions of the United States... The water supply itself depends upon the forest... The forests are natural reservoirs... By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.

NOTE: If you would like to submit a story to be considered for inclusion in *Field Notes*, please send it to Susie Shockley at sshockley@tfs.tamu.edu or c/o Texas A&M Forest Service, P.O. Box 310, Lufkin, TX 75902-0310.



Theodore Roosevelt (left) and conservationist John Muir

New Website Helps Small Forestland Owners - Institute for Culture and Ecology

The Institute for Culture and Ecology (IFCAE) announces a new website to help small forestland owners develop commercial nontimber forest product resources on their land. The www.ntfpinfo.us website is free to use, requires no registration, and contains extensive public domain resources including hundreds of extension articles, thousands of photographs, dozens of videos, and a species database with over 1,400 commercially harvested species in the U.S. Landowners will find links to companion sites as well as key business directories like the Oregon Forest Industry Directory. The publications section contains how-to articles on medicinal plants, native seed gathering, wild foods, floral greens, as well as practical tools like the Google Earth training exercise which teaches the basics of land mapping in less than three hours.

Invasive Feral Hogs "Suppressed" - Texas Parks & Wildlife

Texas has the largest documented population of feral hogs (*Sus scrofa*) in the nation, coming in at an estimated 2 million animals. To combat the problem, hunters and landowners are shifting into utilizing suppressors (AKA "silencers") on their firearms. Using these noise-dampening devices became legal September 1, 2012 under new Texas Parks & Wildlife Department regulations (<http://feralhogs.tamu.edu/files/2011/08/Feral-Hog-Laws-and-Regulations-in-Texas.pdf>).

In addition to the gunsmith work to thread the rifle or pistol barrel where the suppressor is attached, the devices can cost from \$500 to \$1,500 or more. There is also a one-time \$200 application fee for the permit issued by the Bureau of Alcohol, Tobacco and Firearms after a background check. The processing time by BATF is often six months or longer. Most purchasers are paying an additional \$250 for an attorney to draw up a trust that allows them and designated associates to legally possess the device.

Water Resources Magazine - “txH₂O” **– Available from Texas Water Resources Institute**

For those who are interested in learning more about water issues in Texas, the Texas Water Resources Institute (TWRI) at Texas A&M University publishes a magazine devoted to that topic. “txH₂O”, issued three times per year, is available online at <http://twri.tamu.edu/publications/> or in printed form.

The Winter, 2013 issue, available at <http://twri.tamu.edu/publications/>, includes the following articles:

- **Worth It** – weighing the costs of implementing the state water plan and the consequences of doing nothing.
- **Ten Things to Know about Water and the 83rd Texas Legislature.**
- **Comparing Strategies** – state funding of capital projects versus water conservation.
- **Water Value in Power Generation** – experts distinguish water use and consumption.
- **Fractured** – experts examine the contentious issue of hydraulic fracturing water use. The article includes a sidebar addressing the issue of whether or not fracturing causes contamination.
- **Water Use, Economic Value of Irrigated Agriculture Examined in New Report**
- **Lone Star Healthy Streams** (there are BMP’s for beef cattle, dairy cattle, feral hogs, horses and poultry too)
- **Experts Investigating Graywater for Landscapes**

To subscribe to this free publication, please go to: <http://twri.tamu.edu/publications/subscribe> or contact TWRI at (979) 845-1851.

Another free-of-charge publication available through TWRI is “**Conservation Matters & Drought in Texas**”. Information about it can be found at <http://twri.tamu.edu/publications/>.

For more information about Texas Water Resources Institute, please see <http://twri.tamu.edu/about/>.

Did You Know?

From American Forests

(<http://www.americanforests.org/discover-forests/tree-facts/>)

- In one day, one large tree can lift up to 100 gallons of water out of the ground and discharge it into the air.
- For every five percent of tree cover added to a community, stormwater runoff is reduced by approximately two percent.
- The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.
- According to the USDA Forest Service, “Trees properly placed around buildings can reduce air conditioning needs by 30 percent and save 20-60 percent in energy used for heating.

Websites of Interest



Mulching and Composting, from Texas Commission on Environmental Quality (TCEQ) publication, “Take Care of Texas”. This document explains how mulches, including wood chips, leaves, (which are forest products) grass clippings and compost can be used to protect soil and inhibit weed growth - <http://www.tceq.state.tx.us/publications/gi/gi-036.html/view>

Texas Water Law - <http://texaswater.tamu.edu/water-law>

Famous Trees of Texas - <http://texasforests.tamu.edu/websites/FamousTreesOfTexas/>

Hurricane Preparedness, National Weather Service - <http://www.nhc.noaa.gov/prepare/ready.php>

Emerging forest threats - <http://threatsummary.foresthreats.org/browse.cfm?stateSe arch=TX>

Calendar of Events

April 27, 2013 Texas Outstanding Tree Farm Field Tour, W. D. McAdams Co., Walker County, Texas. 2095 Hwy 75 North, Huntsville, Texas. 9:00 a.m. – 1:30 p.m. Free, lunch provided. RSVP by April 17 to Texas Forestry Association by calling 1-866-TXTREES, (936) 632-8733, or e-mail at tfa@texasforestry.org. Wear outside attire and comfortable shoes. CEU's for foresters and Pro-loggers. Directions and other information can be found at: <http://www.texasforestry.org/>.

May 11, 2013 "Jump, Jive & Wail", a 1940's Hangar Dance to benefit Texas Forestry Museum. 6:00 p.m. – 11:00 p.m. Winston Hangar at Angelina County Airport, 800 Airport Blvd., Diboll, Texas. Tyler Big Band. Prizes awarded for best costumes. BBQ. Dance lessons. Tickets \$30/person in advance; \$35/person at the door. For more information or to buy tickets, please see <http://treetexas.com>, e-mail info@treetexas.com or call (936) 632-9535.

Oct. 8-10, 2013 Save the date. 99th Annual Meeting of the Texas Forestry Association. Details to be announced later.

Theresa and Les Reeves Lecture Series, SFASU, Nacogdoches, TX, Agriculture Building, 1924 Wilson Drive. 6:30 p.m. For more information, please contact sfagardens@sfasu.edu.

April 18, 2013 Leo Lombardini, TAMU, College Station, TX, "Everything you wanted to know about pecans but were afraid to ask." L-lombardini@neo.tamu.edu.

May 26, 2013 Todd Lasseigne, Director, Oklahoma Centennial Botanical Garden, Tulsa, OK, "The OCBG, proving that there's plant life here." Tasodium17@gmail.com.

July 18, 2013 Julie Shackelford, Texas Programs Director, the Conservation Fund, Nacogdoches, TX, "Backyard Gardening for Dummies and Wildlife." julieshackelford@conservationfund.org.

President's Message

Our spring meeting was a great success with the speakers discussing the drought impact on pine and hardwood with the importance of site preparation.

Legislative Update From the Capitol: SB 1267, by Senator Nichols and Representative Clardy provides liability of individuals who provide labor or assistance to TFS in the performance of wildlife suppression. This bill has passed the House and the Senate and is now headed to the Governor for his signature. House Speaker Joe Straus announced the members of the House Budget Conference Committee They include Chair - Jim Pitts, Sylvester Turner, John Otto, Myra Crownover, & John Zerwas. The Senate voted out Senator Nichols' transportation bills, SB 1670 & 1671, this past week and these bills are now headed to the House and will be referred to the House Transportation Committee. SB 1670 increases the overweight and oversize permit fees. SB 1671 increases the fines for overweight and oversize vehicles. Bills in Committee: HB 1179, by Lozano - provides payment of restitution for the taking of wildlife resources without the property owner's consent. HB 1179 was reported favorably as substituted from the Culture, Recreation, & Tourism Committee and has been sent to the House Local & Consent Committee. TFA is supporting the passage of this bill.

Do not forget to read the section of the newsletter on facts of the forest <http://www.americanforests.org/discover-forests/tree-facts/>) In one day, one large tree can lift up to 100 gallons of water out of the ground and discharge it into the air.

Robert Young

TNFLA Vice President

Return Address
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