

BURNS FORESTRY NEWSLETTER

RICHARD RETIRES

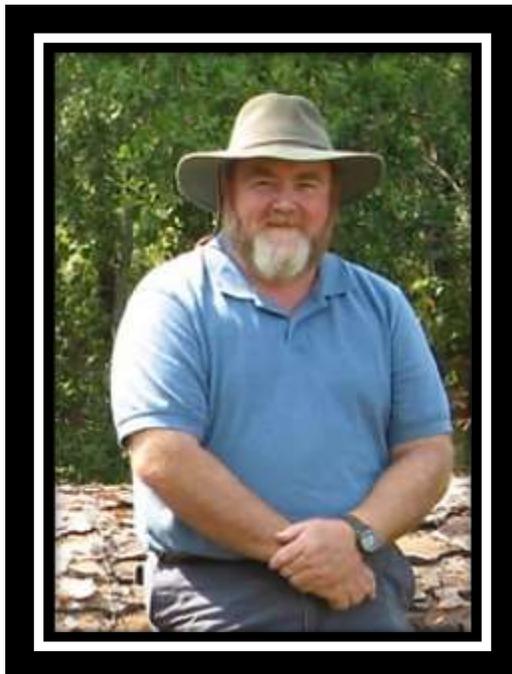
Our Senior Forester, Richard Cole, is retiring from Burns Forestry after a total of 26 years of service. Richard started with Burns Forestry in 1980, the same year he graduated from Stephen F. Austin State University (SFASU) with a B.S. in Forestry. He supervised timber sales and the management service crew, as well as performing timber appraisals and various other assignments.

After seven years with Burns Forestry, he worked with Louisiana Pacific Corporation for sixteen years, retiring in 2003 as District Forester, managing 55,000 acres of industrial forestland and 12,000 acres of private land in the Land Assistance Program. He didn't stay retired long, however, as Gary Burns asked him to come back to Burns Forestry as our Senior Forester.

So, Richard helped us out for an additional nineteen years, overseeing everything from timber sales and appraisals to GIS and expert witness assignments.

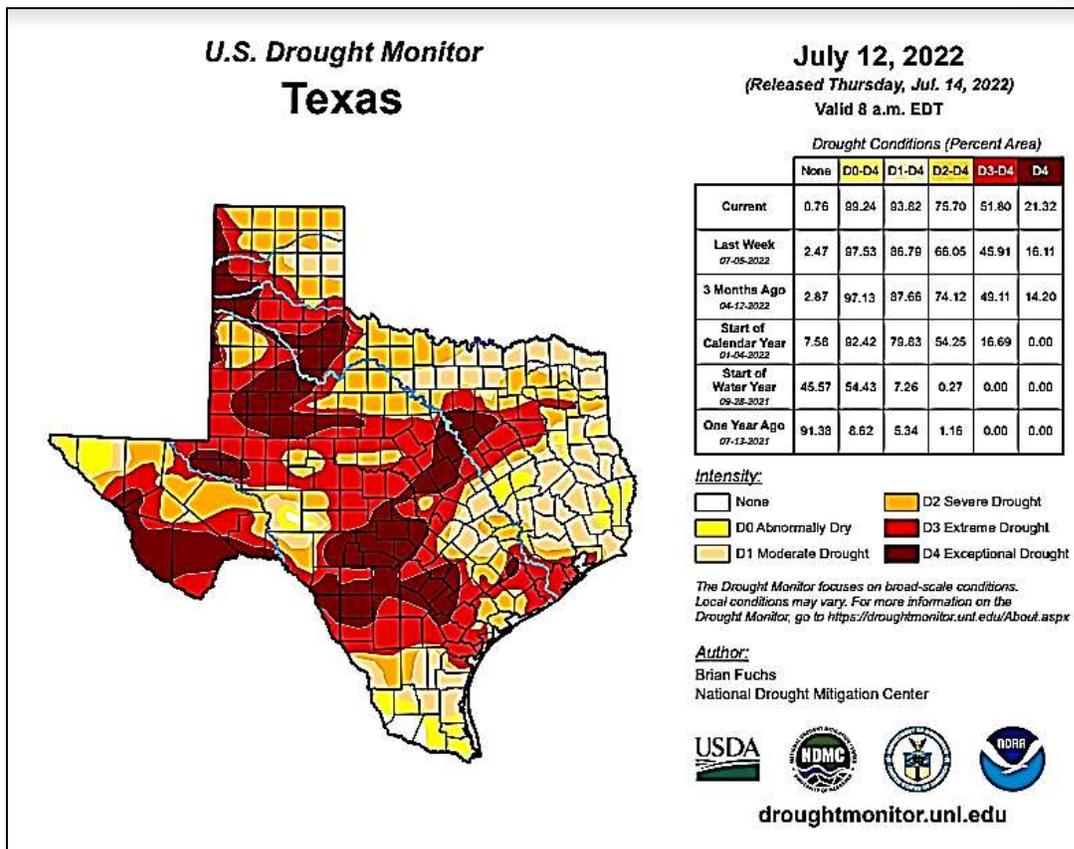
Richard is a Texas Accredited Forester (TAF) and is Texas Pro-Logger Certified. He has postgraduate work with SFASU (Forest Investment Analysis), has completed coursework for the Texas Real Estate salesperson license, and has been an American Tree Farm System Qualified Inspector. Richard is known for his strong work ethic and thoroughness in all his work. He is detail oriented - no sloppy work allowed.

We wish Richard all the best on his second attempt at retirement. He leaves with a great reputation and scores of friends.



Inside This Issue:

Richard Retires	1
Landscapes Trees & Drought	2
Landlocked Property	3
Carbon Credits	4
Sterling Expands Its CLT Market	4
Coyote vs Bobcat	5



LANDSCAPE TREES AND DROUGHT

Our recent droughts have stressed our landscape trees, making them vulnerable to secondary pests and diseases such as boring insects and Hypoxylon. When a tree suffers from a lack of water during a drought, it slows down its photosynthesis process which reduces its ability to create sugars as food for growth. When growth slows, the tree’s leaves may be stunted, wilted, or may turn yellow or have brown tips.

Supplemental watering in the morning or evening can save your trees. Avoid watering in the heat of the day when much of the water will be lost to evaporation. Water the entire area under the canopy until the water starts pooling. Providing two or three gallons per inch of trunk diameter is a good guideline.

Your larger, older trees may require less watering, perhaps only every couple of weeks. Newly planted trees, however, may need watering up to three times a week. With all your watering schedules, just be sure the soil is not completely saturated all the time.

So, in times of drought, it becomes necessary to water our landscape trees to keep them alive and healthy. If you are unsure of the amount of soil moisture available to your tree, stick a screwdriver or similar piece of metal into the ground near it and see if it will easily penetrate six to eight inches down. If it doesn’t, it may be time for supplemental watering.

An easy rule of thumb to determine how much to water your established trees during a drought is to merely mimic a typical summer rain schedule. For our area, this equates to water every 10 to 14 days. Watering doesn’t need to be on an exact schedule, just try to keep within this range to copy a normal summer rain pattern.

(Continued on P. 2)

LANDSCAPE TREES AND DROUGHT (Cont. from P. 1))

Mulching can help conserve the water you apply. Keep the mulch down to only two or three inches deep and don't let the mulch touch the base of the tree. While most people only mulch a foot or two away from the base, mulching the entire area under the canopy would be a great help in managing drought stress. Mulching is relatively inexpensive and will also regulate the soil temperature and reduce competition from other plants.

It is generally not a good idea to prune your landscape trees during times of drought. The added stress of pruning may make the tree more susceptible to attack from secondary insects and diseases. The pruning cut is actually a wound with which the tree has to respond. Severing the live branch reduces a photosynthesis area which produces food for the tree. It also affects root growth. Of course, if the branch is dead and/or a potential hazard, it necessitates removal.

LANDLOCKED PROPERTY

Can property be landlocked in Texas? A recent Waco Court of Appeals decision *in Fort Worth and Western Railroad Co. vs. Albert* seems to say yes. Albert purchased 10 acres of land in 2016 in John County, Texas to build a cement mixing plant. The only access for the landlocked property was to cross a single-lane gravel railroad crossing over the neighboring property owned by Ft. Worth & Western Railroad (FWWR). The crossing was built in 1960 with a license agreement between FWWR's predecessor and Albert's predecessor to allow Albert's predecessor to use the crossing for personal and agricultural use only. The license was not assignable.

In May 2016, Albert and Chisholm filed a declaratory judgment action against FWWR seeking an easement by estoppel, easement by necessity, or prescriptive easement. FWWR filed a counterclaim for trespass, damages, and injunctive relief. Albert then began operating a cement mixing plant, using the crossing to access and leave the property. A jury found in favor of Albert and FWWR appealed the decision.

The WACO Court of Appeals subsequently sided with FWWR and reversed the trial court judgment. An easement by estoppel can be imposed on a subsequent purchaser if they had notice - notice of the easement or if reliance on the easement continued after the sale. The court found no proof of easement by estoppel.

An easement by necessity must have proof of (1) unity of ownership of the dominant and servient estates before severance, (2) the claimed easement is a present necessity, not just a mere convenience, and (3) the necessity existed when the two estates were severed. Albert failed to meet these requirements.

Easement by prescription requires 'open, notorious, hostile, adverse, uninterrupted, exclusive and continuous use of the servient estate for a period of time more than 10 years.' A party can use the time of a predecessor in interest to meet the 10-year requirement. Albert also failed to prove an easement by prescription.

So, yes, there evidently can be landlocked property in Texas. It is best to have an easement recorded in the deed records to ensure legal access. Texas A&M Agrilife Extension has a podcast - *Ag Law in the Field, Episode #28* - that addresses this subject. See agrilife.org.

CARBON CREDITS

Interest in carbon sequestration has increased as new opportunities to mitigate climate change have increased. Carbon sequestration occurs when carbon dioxide is taken up by photosynthesis and stored in biomass. Atmospheric carbon can be decreased by utilizing sustainable forestry practices that increase the ability of the forest to sequester carbon. About 25 percent of the green weight of a tree is carbon.

While carbon credits have been in the news for some time, it's only in the last couple of years that it has received more attention with the advent of single year contracts. Basically, a carbon credit is equivalent to one metric ton of carbon dioxide emission reductions from an unregulated source. This is about the amount of carbon dioxide that one tree will absorb in forty years. While carbon offsets are not required by law, they are becoming more attractive to both companies and individuals that wish to mitigate their carbon footprint.

These companies or individuals are entering into contracts with landowners to reduce the greenhouse gas emissions on their property. The landowner is paid for the reduction of the carbon emission by the company or individual in order to offset their activities. The credits are issued to the timberland owners to prevent the trees from being harvested in the specified time period. They defer their timber harvest and get paid for the amount of carbon sequestered.

As with all transactions, you - as the landowner - should not rely on verbal representations - and carefully read the entire contract. A short-term agreement, however, may prove to be an alternate financial option for timberland owners who wish to defer their timber harvest until the market improves.

STERLING EXPANDS ITS CLT MARKET

Sterling Site Access Solutions, LLC, the country's largest provider of cross-laminated timber (CLT) has announced its entry into the construction market. Sterling opened a CLT manufacturing facility in Lufkin, Texas in 2019 using yellow pine to build TerraLam® mats. Sterling's new business unit, Sterling Structural, will offer its TerraLam® CLT product line as a floor and roof solution for buildings that is compatible with a range of structural building materials.

Sterling Structural will provide 3-, 5-, and 7-ply TerraLam® CLT panels in lengths up to 18 feet and widths up to eight feet with Southern Yellow Pine laminations. The panels suit a wide range of projects including hotels and offices and minimize emissions associated with traditional construction.

The use of mass timber, particularly CLT, has increased over the past decade due to its aesthetic, efficiency, and ecological benefits. About 75 percent of carbon sequestration is in slabs of a mass timber building.

COYOTE VS BOBCAT

Some wildlife managers have assumed that coyotes (*Canis latrans*) might outcompete bobcats (*Lynx rufus*) when they interacted on the same landscape. While the two animals may vary in size depending on their geographical range, coyotes typically weigh between 30 and 40 pounds, and bobcats average 20 to 30 pounds. The canine's greater weight, however, may be limited by the feline's greater fierceness.

The ecosystem type may actually affect the interaction of the two animals. Open habitats tend to have higher competition, probably because of less prey availability. While coyotes usually chase down their prey, bobcats are at a disadvantage because they are ambush hunters.

Also, while coyotes and bobcats share some in their choice of prey, they probably eat different prey in areas where they overlap. Therefore, in general, it appears that there is minimal competition between the two animals, and they seem to coexist relatively well.



istockphoto.com



wolfcry.org

312 North Fifth Street
Crockett, TX 75835
Phone: 936-544-3622
Fax: 936-544-7415
Email: office@burnsforestry.com



WE'RE ON THE WEB AT
burnsforestry.com