



Northeast Texas Forest Landowners Association Newsletter

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IRC SECTION 631(b) CHANGE AND OTHER TIMBER TAX REFORMS FINALLY BECOME LAW

The President signed the American Jobs Creation Act of 2004 (FSC/ETI bill) into law Oct. 22. The new reforestation provision would be effective Oct. 22 since it is effective upon enactment. The language to allow capital gains treatment of gains from lump-sum sales (IRC Section 631(b) modification) becomes effective December 31, 2004. The article below is actually a press release from the internet, written by the Forest Landowners Tax Council and relayed by the Texas Forest Service. It explains a bit of the history of the struggle, as well as what the bill means to us as landowners.

Press Release — Forest Landowners Tax Council

On October 11, by a vote of 69-17, the Senate cleared a \$137 billion corporate tax overhaul package and, since the House passed the bill last week, President Bush is expected to sign the bill (HR 4520) into law. The measure repeals a current export tax break that has been deemed an unfair trade subsidy by the World Trade Organization, as well as modifying a number of timber-taxes, including Internal Revenue Code Section 631(b) and allowing landowners to expense of reforestation costs in an accelerated fashion.

As most of you are aware, efforts have been underway for a long time – over 15 years – to obtain a change in the federal tax rules regarding the Internal Revenue Service requirements in the sale of timber necessary to ensure capital gains tax treatment on lump-sum sales. This effort has been one of the primary goals of the Forest Landowners Tax Council. The legislation contains language that will amend IRC Section 631(b) to eliminate the requirement for timber sale contracts to contain a "retained economic interest" provision, which means that non-industrial private forest landowners will no longer be forced to sell under pay-as-cut contracts and will be able to use "lump sum" sale contracts with no concern over the loss of capital gains treatment. While, in the big scheme of Washington legislative activity, this is a very minor issue (you won't hear about it on the evening news!!), it is a big deal in the field of timber taxation and is a big deal for non-industrial forest landowners in this country; Henry Barclay, a CPA in Birmingham, Alabama and a FLTC Board member, said "**whether they know it or not, this may be the most significant timber-tax legislation for non-industrial private forest landowners in our lifetimes.**" [*Emphasis added—Ed.*]

The Forest Landowners Tax Council has been the lead organization on the IRC Section 631(b) fix for years, having focused on the issue since our establishment in 1996. This tax reform will allow non-industrial private forest landowners capital gains treatment on income from lump-sum stumpage sales. FLTC is pleased to have recruited the interest of Senator Jeff Sessions, of Alabama, and Congressman Mac Collins, of Georgia, early on as the sponsors of 631(b)-correcting language, to have worked with the Joint Committee on Taxation to correctly calculate the measure's cost to the U.S. Treasury as "negligible," to have successfully promoted the language added to the JCT's Tax Simplification List (the only timber/forestry item listed), to have successfully encouraged the Land Trust Alliance – a high-profile environmental group – to write the Senate Finance Committee and the House Ways & Means Committee to request passage, to have successfully worked to have the House of Representatives pass the modification in every Congress since and including the 105th, and to have enlisted the support of numerous allied organizations in the effort.

Senator Jeff Sessions, of Alabama, and Congressman Mac Collins, of Georgia, were the sponsors of the successful 631(b)-correcting language... an extreme level of entrée was provided by the Forest Landowners Association via their Government Affairs Committee, over the last three years. And, individual members of Association of Consulting Foresters of America, Inc. have provided guidance based in real world experience for years... [*And TFA, as well as individual private landowners in Texas, have also fought with letters and phone calls — Ed.*]

Other timber-tax provisions added to the JOBS bill (aka: H.R. 4520, JOBS bill, FSC/ETI bill, corporate tax bill, international trade bill) will allow all private forest landowners to expense up to \$10,000 for reforestation costs in the year incurred with amortization over 84 months for the remaining costs, allow voluntary election of IRC Section 631(a) by timber industry to help with how they calculate their capital gains on timber, and establishes a modified safe harbor rule for timber Real Estate Investment Trusts.

This bill grew out of the need for Congress to respond to a World Trade Organization ruling that a \$5 billion annual subsidy for U.S. exporters was illegal. As a result, 1,600 American exports to Europe are being hit by penalty tariffs that now stand at 12 percent and are rising by one percentage point a month. The bill became the vehicle for the most significant overhaul of corporate tax law in nearly two decades.

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My View

Wow, today is anything but a fall day. I guess if I turn the AC down low and look out of the study windows at the changing colors in the forest I can imagine its fall. Have you ever thought how life can treat you like the weather? You just do not know what to expect.

We are in the process of marking all of our forest land for a major sale. This time it is a significant clear cut in many areas and thinning for the second time in the planted pine plantation. We are picky tree cutters, so there are "no cut" zones along the roads my wife jogs on each day. From our pastures and house, you will not be able to see a clear cut due to buffer belts of trees left. I guess we are cosmetic tree farmers. But, getting back to the unexpected, while marking these areas a 300 pound wild hog ran the tree marker up a tree! Thinking the hog problem may not be so great we were dismayed a few days later when hogs invaded the yard and rooted up to 10 inches deep under a large pecan for food. We set out two traps, caught six smaller pigs (we butchered them), and now are waiting to see if the traps just sitting here will keep them away from the house. As for our forest, which has been plowed by the hogs, we had ten dogs out Saturday tracking them over a mile and none to be found. I guess they are wise of the ways of man. The lesson learned is that even when you have a timber plan to execute, you can get way off track in implementation. I can imagine what hogs would do to newly planted pine after we clear cut. Despite my dismay at having to restore part of the yard and pasture, and having to deal with the hogs so near to our home, we have enjoyed some great natural pork. God's blessings come in all forms.

Changing subjects, we have a great program coming up November 13 at 10:30 am in Pittsburg. Keith Kridler will educate us on how to attract the eastern Bluebird to your land. At our February meeting, we will have a presentation from the Texas Forest Service on the best management practices for your forest land, including harvest and replanting. An exciting opportunity for those that enjoy wildlife will be the Master Wildlifer – Wildlife on Private Lands satellite course February 1-March 15. Look for more information on this later. Your association is working to serve you and we hope that you appreciate that and will attend each meeting.

As always, I have a few quotes to leave you with. Henry David Thoreau wrote, "Live the life you have imagined" and "If you have built castles in the air, your work need not be lost; that is where it should be. Now put foundations under them." Ralph Waldo Emerson wrote, "The skill to do comes from doing." What makes me put these three quotes together? All of us sit in our study or on a log in our forest and think. We think about the opportunities we let slip away and we contemplate the dreams we never pursued. Thoreau and Emerson have captured ideas in words that give us hope to accomplish our dreams. To live the life we dream of living no matter what our age or circumstances. To do this we need only start on that path. Baby steps will lead you to places you never imagined you could get to.

I hope to see all of you November 13 at 10:30 in Pittsburg. Do not forget to vote November 2.

Sid Greer

Meeting and Program Notes

Keith Kridler, the “Bluebird Man” from Mt. Pleasant, will present slides and discuss cavity nesting birds and animals. Keith is known state-wide for his expertise and his always surprising and entertaining presentations. His first love has always bluebirds, but he will also discuss wood ducks, woodpeckers, bats, flying squirrels, and answer wildlife questions. Everyone should take away useful information not only on habits and habitat, but also on how to construct nest boxes and protect the young wildlife family from predators.

I really don't know exactly what Keith will do, but in the past he's brought bluebird boxes and exhibits of all sorts. He was a great hit at the TFA Family Fun Day last summer — I know that — and I also know that his programs are continually evolving, so this is a good one for the kids, wives, and grandkids.

We should also have an update from Mike Murphrey on the TFA annual meeting that was held this week at the Del Lago Resort near Houston.

Use the maps below for directions, and feel free to contact any Board Member if you need further directions.

Mark your calendars for our Saturday, Feb 12, meeting in Pittsburg, which will be on BMPs (Best Management Practices). The handbook has been revised, and hopefully we will have some on hand for those attending, but no promises. Contact your local TFS office if you need one sooner. *I think* they are free.

We have lost our Pittsburg District Forester, Kevin Rankin. Kevin left to train for a law enforcement position. There is no one in the pipeline to replace Kevin in the near future. In the meantime, Ken Conaway is doing double duty. Ken is based in Gilmer, and his contact numbers are at the bottom of the facing page. Take it easy on him if you can, cause it's tough doing two jobs. The good news is that I understand TFS plans to fill the position, so we're better off than some districts.

See you at the meeting! — Bill

2004-05 PROGRAM CALENDAR

Saturday, Nov 13, 10:30 AM

**Keith Kridler, the Bluebird
(and other wildlife) Man
Pilgrim Community Room
Pittsburg, Texas**

Saturday, Feb 12, 10:30 AM

**Best Management Practices
Pilgrim Community Room
Pittsburg, Texas**

Saturday, April 23

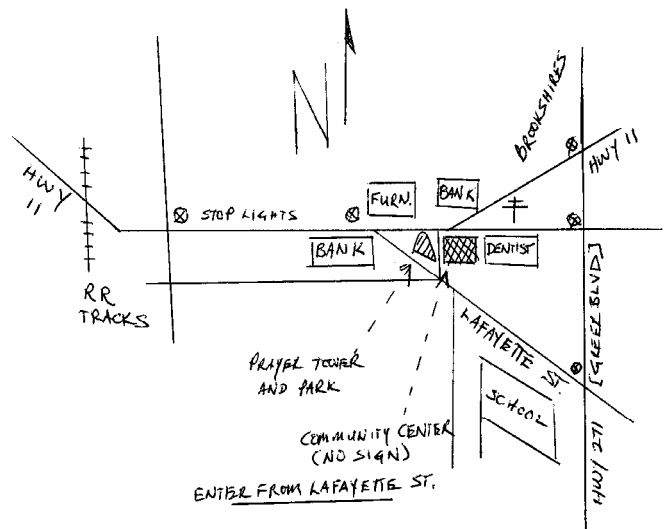
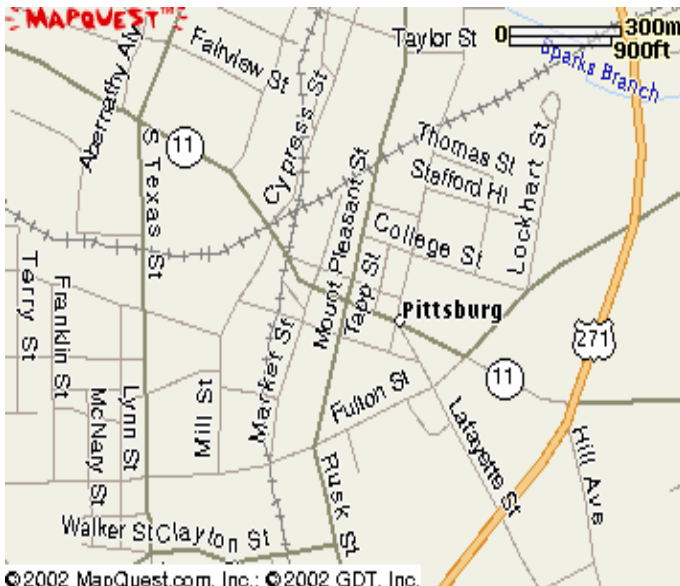
**Forest Landowners
Tailgate Party
Mt. Enterprise, Texas**

Saturday, May 7

**NETFLA Field Day
(depending on Mother's Day)**

The red dot program continues. If you have a red dot on your newsletter, you owe 2004 dues of \$15. If 2004 dues are not paid before the Feb meeting, this will be your last newsletter. Be sure to note on your check if your dues are for 2004. Send to:

NETFLA
PO Box 642
Mt. Vernon, TX 75457



FOREST LANDOWNERS COUNCIL REPORT

Mike Murphrey — October 2004

Hello to all! It's been a while. Since I attended the Forest Landowners Council Meeting at TFA last week I thought I might be able to drop y'all a line and say hello as well as provide a report.

This was a fantastic meeting. Good information and good ideas. Not only are we growing forests fast but we're growing our association faster with new ideas and plans. First I would like to thank all of you who have stayed in touch with me. I enjoy visiting when we can. Call any time. I am now one of the two Southern Pine Beetle Prevention Foresters. I work for the TFS – Forest Pest Management Dept. here in Lufkin under Ron Billings. Heidi has finished her degree at SFASU and graduated. She is teaching 7th and 8th grade history in the Hudson ISD. Melanie is a sophomore in Angelina College and Nicholas is a Junior at Hudson High School. So everybody is doing well and so far happy. Hopefully everyone there in the Northeast Texas CFLOA is doing well also. Now on to business, it was a good turnout and the Forest Landowners Council. Representatives from most Landowners Associations were present. Below is a short list of points to consider and be prepared to follow up on if possible.

1) **Forest Landowners Tailgate Party:** This is a must attend meeting for all Association members. It will be located near Mt. Enterprise, which is between Henderson and Nacogdoches on Highway 259. More information will be sent out later but there should be all types of door prizes and giveaways as well as numerous experts available to visit with you "One-On-One". **April 23, 2005**

The Forest Landowners Council is asking that our landowner association provide a tailgate as well for those who aren't members and need information on Upshur, Wood, Morris, Titus, Franklin and Camp Counties.

It is also asked that we come up with some kind of "Door Prize" to be given away.

I can drive my truck up there but we will need several individuals to man the tailgate. Everybody deserves time to participate in the activities.

There will be special events and educational activities for kids so bring them.

Some type of sign or banner would be good as well, identifying who we are. **Think about it; ideas are welcome.**

2) Cheryl Stanco, Forestry Environmental Education Director provided an excellent report on the educational activities that TFA provides to Texas youth and educators. A discussion followed her program on how CFLOA's can increase participation of teachers in the Teachers Conservation Institute

(TCI). Cheryl offered her services to talk to Curriculum Director, School Administrators or anyone that might need additional information on the benefits of participating in TCI. Cheryl will be providing an article in the next CFLOA Newsletter on TCI and the many benefits and numbers of Teachers reached over the past years. If you would like an education report feel free to contact Cheryl at 936/632-8733.

3) Nolan Alders challenged the council to increase their membership because he knows that this is where the work is really needed and that the buck stops there; no members no association. So he is focused on increasing their numbers. I reported for the NETCFLOA as best I could and reiterated Nolan's challenge and up it. As our association had the most members in TFA last year I let them know that this is the level where you need to be. So I up the challenge to not only increase association membership but to increase TFA membership as well. Y'all don't let me down now. Maybe we can win another free meal. Go talk to your neighbors and friends.

DO NOT FORGET TO VOTE!!

ONE VOTE COUNTS — *YOURS!*

Did You Know That...

In 1645 — one vote gave Oliver Cromwell control of England.

In 1649 — one vote caused Charles I of England to be executed.

In 1776 — one vote gave America the English language...instead of German.

In 1839 — one vote elected Marcus Morton to be Governor of Massachusetts.

In 1845 — one vote brought Texas into the Union.

In 1876 — one vote changed France from a monarchy into a republic.

In 1923 — one vote gave Adolph Hitler leadership of the Nazi Party.

TEXAS FORESTRY BEST MANAGEMENT PRACTICES HANDBOOK REVISED

The Texas Forest Service and members of the Texas Forestry Association's BMP Task Force recently evaluated and made revisions to the Best Management Practices guidelines. This group, made up of private landowners, foresters, industry, loggers, academia, environmental conservation groups, and state and federal agencies, enacted these revisions in an effort to continue to improve and enhance the ability of forestry professionals to effectively protect water quality during silvicultural activities.

BMPs were developed in 1989, and have undergone 3 major revisions over the past 15 years. It is important to review and update these guidelines periodically to ensure that they are still effective in protecting water quality. BMPs prevent almost 12,000 tons of dirt from entering East Texas streams annually and over 96,000 tons of dirt from eroding off East Texas forestlands. This is enough dirt to cover a football field, endzone to endzone, 30 feet high.

Several key additions have been included in the new handbook that address stream classification and basal area. The "Stream Classification" section, found under the Recommended Specifications for Streamside Management Zones (SMZs), lists characteristics that can be used in the field to distinguish between perennial, intermittent, and ephemeral streams. "How to Calculate Basal Area", found in the Appendix, can be used to properly calculate the basal area in SMZs to ensure that the 50 square feet of basal area is being left.

A summary of all the revisions made to the BMP guidelines has been placed at the beginning of the new BMP handbook. A review of all the revisions will enable you to ensure that BMPs are being implemented properly. To obtain a copy of the new BMP handbook, please visit the Texas Forest Service web page at <http://texasforests.tamu.edu> or contact the Texas Forestry Association at (936) 632-8733. If you have any questions about BMPs or any of these revisions please call the Texas Forest Service BMP Project Office at (936) 639-8180 or email Shane Harrington at sharrington@tfs.tamu.edu.

MARK YOUR CALENDARS FOR MASTER WILDLIFER PROGRAM

Master Wildlifer is designed for landowners, land managers, and outdoors recreationists who are interested in including wildlife considerations in their current land management activities. Practicing land managers will find the course valuable in highlighting alternative management approaches for wildlife in forest and farm settings.

Special emphasis is placed on wildlife species (game species) that currently offer landowners additional sources of income through recreational access fees. Course participants will obtain the knowledge and necessary tools to enhance habitat for a variety of wildlife species that can be enjoyed themselves, family, Friends, and anyone interested in wildlife.

The Master Wildlifer course will be broadcast live over satellite from Clemson University's studio and delivered to downlink sites across the country in seven 3-hour evening sessions beginning February 1, 2005 through March 15, 2005.

Course Schedule

- February 1, 2005 Introduction to Wildlife Management
- February 8, 2005 Ecology and Management of Small Game
- February 15, 2005 Ecology and Management of White-Tailed Deer
- February 22, 2005 Ecology and Management of Eastern Wild Turkey
- March 1, 2005 Fishpond Management
- March 8, 2005 Managing Wetlands for Waterfowl and Other Wildlife
- March 15, 2005 Income Opportunities from Wildlife on Private Lands

In addition, Dr. Eric Taylor, A&M Extension Forestry Specialist, offers this plan for East Texas participants:

"Still trying to work out the details, but it looks like we will host the Master Wildlifer short course at 4 live locations (tentative depending upon the number of registrants).

1. Overton - TAMU Ag Research and Extension Center
2. Longview - Gregg County Extension Office
3. Nacogdoches - Public Library
4. Dallas - TAMU Ag Research and Extension Center

However, the most important advancement is that we will also stream the program via the Internet. People will be able to view and participate in the comfort of their home (provided that they have a relatively fast connection) during the time of broadcast and send in questions by email or phone. Registrants will also be able to review materials throughout the week at their leisure.

Total cost for 7, 3-hours tuesday night programs plus 1, 8-hour capstone tour is \$120.00. This includes almost 30 hours of contact time, notebook, wildlife book, certificate, cap and refreshments."

Web site is <http://extensionforestry.tamu.edu>

IMPLEMENTATION OF THE HEALTHY FOREST INITIATIVE AND THE HEALTHY FOREST RESTORATION ACT IN TEXAS

Weihuan Xu, Ph.D. Principal Economist, Texas Forest Service

President Bush introduced his Healthy Forests Initiative in August 2002 at the height of one of the worst fire seasons the nation has experienced in decades. This was done to reduce administrative process delays to the implementation of projects to reduce hazardous fuels and restore healthy ecological conditions on federal land. In November 2003, Congress passed HR 1904, the Healthy Forests Restoration Act of 2003, which became law in December 2003, providing improved statutory processes for hazardous fuel reduction projects on certain types of at-risk National Forest System and Bureau of Land Management lands. It also provides other authorities and direction to help reduce hazardous fuel and restore healthy forest and rangeland conditions on lands of all ownerships.

In response to the need to develop consistent National Environmental Policy Act (NEPA) procedures and develop a model Environmental Assessment (EA) for fuels treatment and restoration activities, in December 2002 the administration identified several pilot projects across the nation to allow priority fuel treatment (thinning and prescribed fire) and forest restoration (reseeding and planting) projects to proceed quickly without the need for lengthy environmental documentation. One of these projects is the Four Notch/Boswell Creek Watershed Healthy Forest Initiative Pilot Project on the Sam Houston National Forest, located in San Jacinto and Walker Counties on the Sam Houston National Forest.

According to documents from the Sam Houston National Forest, the proposed actions of the Notch/Boswell Creek Watershed HFI Pilot Project include conducting dormant and growing season prescribed burning on approximately 8,650 acres every 2-5 years to reduce risk from destructive fires. About 2,000 to 4,500 acres of national forest land in the watershed are anticipated to be burned in any year. They also include thinning approximately 4,800 acres of pine stands to reduce Southern pine beetle (SPB) hazards. About 3,360 acres of the thinning would be in young (about 15 to 20-year old) forests that were established after the mid-1980s SPB epidemic. The remaining

thinning, about 1,440 acres, would be done in older, dense, pine-dominated stands.

The first timber sale of the HFI project in Texas was done in July 2004. The sale included 84.3 thousand cubic feet of pine sawtimber and 190.6 thousand cubic feet of pine pulpwood and topwood. Two more timber sales from the HFI project are currently in preparation. The first of these planned sales involves 135.4 thousand cubic feet of pine sawtimber and 365.2 cubic feet of pine pulpwood and topwood. The volume in the second planned sale is not available at this time. According to Bob Allen of the Sam Houston National Forest, no harvest of the timber sales is expected before May 2005.

“The National Forests and Grasslands in Texas will continue to utilize the HFI and HFRA authorities in planning forest management projects. Our management focuses on restoration of habitat for the endangered Red-cockaded woodpecker and improving the health of our forests, and not on generating revenue from timber sales”, said Fred Salinas, Forest Supervisor of the National Forests and Grasslands in Texas.

According to George Weick, Forest Silviculturist with the National Forests and Grasslands in Texas, the primary benefits of the HFI and HFRA are in reducing the amount of time and cost of planning and preparing timber for sale. He expects an annual timber sale of between 30 and 50 million board feet (MMBF) of timber for sale over the next several years. This number is higher than the 20 MMBF timber sold in the last two years, but is still well below the historical timber harvest levels in the 1980s and 90s. According to the 2002 “Harvest Trends” published by the Texas Forest Service, the annual total timber harvested in East Texas that year was 666.7 million cubic feet. This planned annual timber sale is about 1-2% of the total timber sale in East Texas, which should not affect the timber supply and timber prices in East Texas in any substantial way.

Demand Good; Logging Contractors in Short Supply

The market demand for all products gained strength during the July-August period. Improved national and Texas economy allowed the housing market and building and construction activities to maintain its robust pace. The latest economic forecast from the state's Comptroller indicated a strong 4.4% annual growth for Texas this year. Consumer confidence was up sharply. Random length composite lumber price has increased from the previous period.

The stumpage market in the fall is expected to trend upward as the storms and heavy rainfall limiting access to logging tracts plus the shortage of logging contractors exert strong upward pressure to the timber market prices.

Between January 2001 and June 2003, the central bank had cut in-terest rate 13 times to stimulate the economy. The low rate has fueled a boom in mortgage refinancing and home purchases. Since June 30 this year, the Federal Reserve has raised interest rate three times to ease off the inflationary pressure. Mortgage rates would rise but are still at historical low levels, hopefully keeping the housing sector strong.

Due to the upbeat demand, the overall average stumpage prices of **pine sawtimber increased** by \$1.64/ton (\$12.68/MBF) from the last two-month period, to \$38.48/ton (\$304.32/MBF), by statewide average measure. Prices for mills with adequate inventory remained un-changed; however, prices for mills with low inventory experienced a *considerable* appreciation as they "scrambled for wood", according to industry foresters.

Stumpage prices for **pine pulpwood have gone up slightly**. The statewide average price during the July-August period was \$7.08/ton (\$18.88/cord), up by \$0.14/ton (\$0.29/cord). The average stumpage prices of **pine chip-n-saw went down** by \$1.26/ton (\$4.51/cord) from the previous two-month period, to \$14.43/ton (\$37.45/cord).

STUMPAGE PRICE TRENDS IN TEXAS

July/August 2004

7-Oct-04

Volume 22, No. 4

Product/Region	Average Price		Average Price Last Period		Average Price Same Period A Year Ago		# of Sales Reported	Total Volume	
	\$/Ton	\$/MBF	\$/Ton	\$/MBF	\$/Ton	\$/MBF		Ton	MBF
PINE									
Sawlogs	\$/Ton	\$/MBF	\$/Ton	\$/MBF	\$/Ton	\$/MBF		Ton	MBF
Northeast TX	34.31	303.90	32.77	291.45	38.38	281.83	43	108,213	11,993
Southeast TX	41.31	304.58	40.57	291.79	38.58	283.85	54	158,579	21,236
Statewide*	38.48	304.32	36.84	291.84	38.41	281.92	97	262,792	33,229
USFS	**	**	**	**	**	**	2	**	**
Pulpwood	\$/Ton	\$/Cord	\$/Ton	\$/Cord	\$/Ton	\$/Cord		Ton	Cord
Northeast TX	8.24	21.85	7.38	19.70	5.31	14.21	52	142,520	53,777
Southeast TX	5.28	14.19	6.03	16.27	3.23	8.72	23	91,600	34,059
Statewide*	7.08	18.88	6.94	18.59	4.45	11.94	75	234,120	87,836
USFS	**	**	**	**	**	**	2	**	**
Chip-N-Saw	\$/Ton	\$/Cord	\$/Ton	\$/Cord	\$/Ton	\$/Cord		Ton	Cord
Northeast TX	16.72	41.81	16.05	43.32	18.35	47.32	17	4,441	1,777
Southeast TX	14.32	37.23	15.51	41.29	14.29	37.20	47	91,145	35,055
Statewide*	14.43	37.45	15.89	41.98	14.57	37.89	64	95,588	38,832
HARDWOOD									
Mixed Sawlogs	\$/Ton	\$/MBF	\$/Ton	\$/MBF	\$/Ton	\$/MBF		Ton	MBF
Northeast TX	18.49	179.38	17.41	164.41	17.04	158.35	14	8,811	908
Southeast TX	**	**	16.85	149.86	20.97	188.73	2	161	18
Statewide*	18.38	178.06	17.24	161.02	19.21	174.34	16	8,972	926
USFS	**	**	**	**	**	**	2	**	**
Pulpwood	\$/Ton	\$/Cord	\$/Ton	\$/Cord	\$/Ton	\$/Cord		Ton	Cord
Northeast TX	5.53	15.47	6.23	17.58	6.21	17.54	16	10,393	3,712
Southeast TX	**	**	5.57	15.60	6.65	18.55	1	200	72
Statewide*	5.48	15.34	6.18	17.35	6.57	18.38	17	10,593	3,784
USFS	**	**	**	**	**	**	2	**	**

1. Stumpage price statistics included gateway sales. Stumpage prices from the gateway sales were estimated by subtracting cut and haul costs, other expenses and profits if any provided by the reporters.

2. Price is calculated from a specific conversion factor reported for each sale if available; otherwise, the average conversion factors listed on page 8 are used. MBF = Thousand Board Feet. The DOYLE LOG SCALE is used for board foot measurements.

* Statewide data excludes U.S. Forest Service sales.

** Insufficient sales to report price statistics (less than three reported sales).

Northeast Texas Forest Landowners Association

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