



# Northeast Texas Forest Landowners Association Newsletter

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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*

***Northeast Texas  
Forest Landowners  
Association Officers***

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**NETFLA WEB SITE:**

**www.txforest.org**



**FROM THE FOREST**



Thank You: Our Landowners Association received a "Thank You" letter from Julie Malewska. She teaches in the Dallas Independent School District and was one of the teachers that we sponsored this year at the Teachers Conservation Institute. She volunteered to attend a future meeting and give us some highlights from her week spent in the Lufkin area learning about our forest industry. Your Directors accepted her offer and are currently planning for her to make a short presentation at the November meeting.

Membership Contest: I am sure that many of you are aware of the membership contest that Texas Forestry Association (TFA) utilizes to encourage members of the county landowners associations to also become TFA members. One award goes to the county association that has the highest percentage of members who are also TFA members. NETFLA won this contest in 2010, and the award is free lunch at our August 13, 2011 meeting at Pizza Inn in Pittsburg. I encourage all members to attend this meeting to learn about enhancing wildlife on your property and to enjoy lunch courtesy of TFA. Guests are welcome and will be included in the free lunch. Also remember that this TFA membership contest is being repeated in 2011. If you are not a member of TFA, consider joining no later than September 1 and help us win another free lunch for a meeting in 2012.

Burn Bans: As of July 19, 245 counties in Texas had burn bans in effect. All 6 counties in our Landowners Association are now under burn bans. Be aware of fire danger, and do what you can to protect your property. Exercise extreme caution with all potential ignition sources, and be observant as you travel to and from your forest land. Suspicious activity and anyone ignoring the burn ban should be reported to local authorities.

Elections: All three Association Officers (President, Vice-President, Secretary-Treasurer) and six Directors (one from each county) will be elected at the November meeting. We currently have Director vacancies in Morris and Titus Counties. Please notify an Officer or Director if you would be willing to serve or would like to submit a nomination for a vacancy or any Officer of Director position.

*Glenn Weiss*



## Program and Meeting Notes

Our meeting on August 13 will be at the Pittsburg Pizza Inn, a new place for our group. The menu includes submarine sandwiches and salads as well as pizza, so there should be something that works for everyone. Members and guests eat free because of our TFA contest victory. If memory serves, we have won this contest 6 of the 8 years it has run, missing the first year and the one before last.

Our speaker will be Charlie Muller, a TPW wildlife biologist from Longview. His program will address major topics, and there will be lots of time for Q & A afterward. Might be very interesting to see how the hogs are handling the drought...

Ron Hufford, Executive Vice President of the Texas Forestry Association, will be our speaker at the November meeting, at which we will also elect NETFLA officers and directors. By that time, there may be other issues to discuss, but Ron travels nationally as well as statewide, and is always current, so he may be able to address those issues as well. We are fortunate to have him as a recurring speaker and friend, and look forward to his visit.

By the way, we only have until Sept. 1 to get our list of paid NETFLA members in to TFA for this year's membership contest. Remember, this is really a Texas Forestry Association contest, so although we are glad to see you continue your NETFLA membership, we can't win the contest unless you are also members of the Texas Forestry Association. TFA dues are only \$50 a year, and dues to both organizations should be tax deductible as business expenses for serious woodland owners. Membership in these organizations also helps prove to the local property tax folks that you are entitled to the large silvicultural property tax break. Details about TFA and its landowner benefits can be found on its web site at [www.txforestry.org](http://www.txforestry.org).

See you at the meeting — *Bill*

## 2011 PROGRAM CALENDAR

**Saturday, August 13, 10:00AM**

**Wildlife Management  
Texas Parks and Wildlife  
FREE LUNCH at Pizza Inn  
Meeting Room, Pittsburg, Texas**

**Saturday, Nov. 12, 10:00 AM**

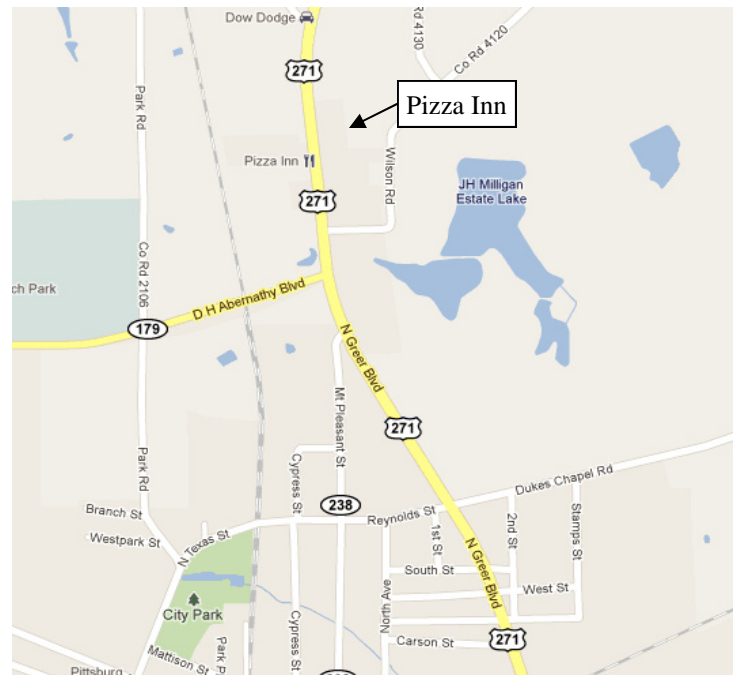
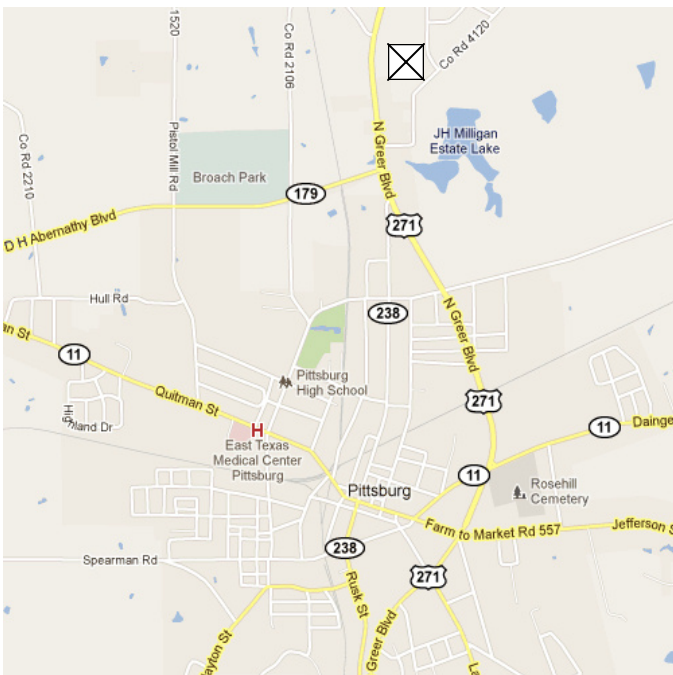
**TFA's Ron Hufford:  
Legislative Update  
NETFLA Biannual Elections  
Pilgrim Community Room  
Pittsburg, Texas**

**Financial mailing address for  
\$15 dues and other questions  
is:**

**NETFLA  
PO Box 642  
Mt. Vernon, TX 75457**

**Contact Blanche Handy-  
Sparks  
(903) 860-2507  
[bhandy@peoplescom.net](mailto:bhandy@peoplescom.net)**

**Please do not send cash. Your  
check is your receipt for mailed  
funds. Make checks payable to  
NETFLA, and THANKS!**



# Surface Water Rights in Texas

- TCEQ website, [http://www.tceq.texas.gov/publications/gi/gi-228.html/at\\_download/file](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

collecting rainfall from the roofs of their homes and out-buildings. 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](mailto: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 docu-

ment 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.

### ***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, 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 Loblolly 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/](http://www.tx.nrcs.usda.gov/programs/).

# ***Final Reminder — Paid Your Netfla Dues Yet? These People Have, and make the Good Guys List.***

***Please mail your \$15 check to: NETFLA PO BOX 642  
Mt. Vernon, TX 75457***

***If you want another free lunch, get your dues in by September 1!  
THANKS!***

Wayne	Arnold	Wesley T.	Kouba
Talitha	Blacketer	David	Laschinger
Kenneth	Bolin	George W.	Lester
Alton	Brown	Leon & Barbara	Lester
John	Bryan	Wanda R.	Mitchell
June	Carter	Robert	Morris
Harold & Patsy	Coley	Michael	Murphrey
Kenneth	Conaway	James C.	Petty
Michael H.	Connor	Brian	Pope
Harold	Connor	Neal A.	Prince
Jan and Diane	Dalby	Warren	Proctor
John D. and Gerry L.	Dalby	Melvin	Reynolds
Kip and Kay	Derrick	Andrew	Riley
Glenn and Jean	Dunaway	Andrew	Roane
Harry	Earl	Mr. and Mrs. C. M.	Rogers
Danielle	Early	Michael	Saragusa
Robert	Emerick	Dave	Schneider
Betty	Erwin	Walter	Schroen
Hoffman	Family Prop-	Larry	Shelton
erties		W. Rex	Shirey
Tommy	Goodwin	Betty	Smith
Sid	Greer	Ken R.	Stewart
Jim and Alice	Grissel	Kenneth	Stewart
D.J. and Jill	Haines	Charles L.	Still
Blanche	Handy-	Dennis & Roberta	Townsend
Sparks		Bill	Tucker
Arlis	Hart	Glenn and Judy	Weiss
Larry	Hoffman	Fred	Winters
Vernon	Holcomb	Samuel Rex	Youngblood
Fred	Howard		
Tom	Irby		

***[ ...YOUR NAME HERE...? ]***

## ***Websites of Interest -***

***Drought, Wildfire and Forest Health - <http://texasforestservicetamu.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](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](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>***

## ***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](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 12<sup>th</sup> by calling (936) 632-8733 or email [tfa@texasforestry.org](mailto: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>).

# 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.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 gatewood 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 Scale used for board foot measurements.

## ***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 fire-fighting 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**

## ***Texas Parks and Wildlife Department and Water Quality***

*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/](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/environconcerns/water\\_quality](http://www.tpwd.state.tx.us/landwater/water/environconcerns/water_quality).

**Northeast Texas Forest Landowners Association**  
**P.O. Box 642**  
**Mt. Vernon, TX 75457**

