

The **WOOD**land Steward

Promoting the Wise Use of Indiana's Forest Resources

Preserving Family Woodlands

by Teena Ligman

Most woodland owners care deeply for their land and take pride in being good stewards. But over the next two decades, Indiana's forests will be turned over to a primarily middle-aged generation.

Communication is the biggest obstacle to securing family legacies. One man explained he never discussed his woodlands as part of estate planning because, "When I think of my net worth, I don't include the forest because I think of that as already belonging to future generations." Many people blithely assume their heirs share their values.

Since the life of a forest spans multiple owners, we owe it to our family and woodlands to develop a stewardship plan that includes transitioning to the next owner without burdens such as heavy taxes or family dissension. Each of us has choices to make about our woodland:

- Who will we leave our woodland to?
- How do we want it managed?
- Should it be sub-divided and developed?

As you think about preserving your woodlands, here are a few of your options.

Do nothing: This option leaves your woodland most at risk.

Will: Traditional wills divide assets such as stocks and bonds among heirs, but land is a nontraditional part of an estate. A subdivided forest loses its value as a functioning ecosystem if the smaller parcel land use changes.

Sell or give the forest to heirs before death: To reduce estate taxes, some forest landowners prefer to sell or gift their woodlands to heirs while they are alive. This strategy provides an opportunity to develop a shared understanding of how the land will be used.

Family partnerships: Some families put their woodland in a partnership or qualifying conservation trust. This allows the forest to stay as a functioning ecosystem.



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Message from the President

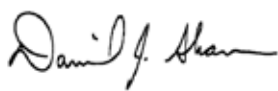
2010 and Ready to Grow

Without a doubt, 2009 was a rough year for many people. With the start of 2010 the Woodland Steward Institute would like to wish all forest landowners in Indiana a Happy New Year. The Woodland Steward Executive Committee is very optimistic and planning a great year of timely and informative articles in the Woodland Steward newsletter. Over the next year we plan to run articles covering liability issue for landowners, updates on invasive species, updates on local forest and wildlife management research, and informative articles on national and global issues such as climate change and cap and trade. We will also run some of our flagship articles such as the Consultant Forester's Price Report and the Indiana Forest Products Price Report and Trend Analysis.

Even though 2009 was a rough year for many people, woodland owners stepped up and contributed over \$7,200 to the printing and mailing of the Woodland Steward Newsletter. The Woodland Steward Institute would like to thank all the landowners who made a contribution in 2009 (see pages 14-15). The Woodland Steward Newsletter is sent to over 33,000 landowners 3 times a year. Without the support of landowners, the Woodland Steward Institute would only be able to produce 2 newsletters a year. In this issue of the newsletter we have included a donation envelope and are asking that you support the Woodland Steward Newsletter with a financial contribution that ensures that we are able to produce a third issue of the newsletter in 2010.

Spring is upon us and the trees are ready to grow. Armed with information from the Woodland Steward Newsletter, take time to go out and enjoy the woods during this beautiful time of year.

Thank you again for all the support in 2009.



Dan Shaver
Woodland Steward Institute President

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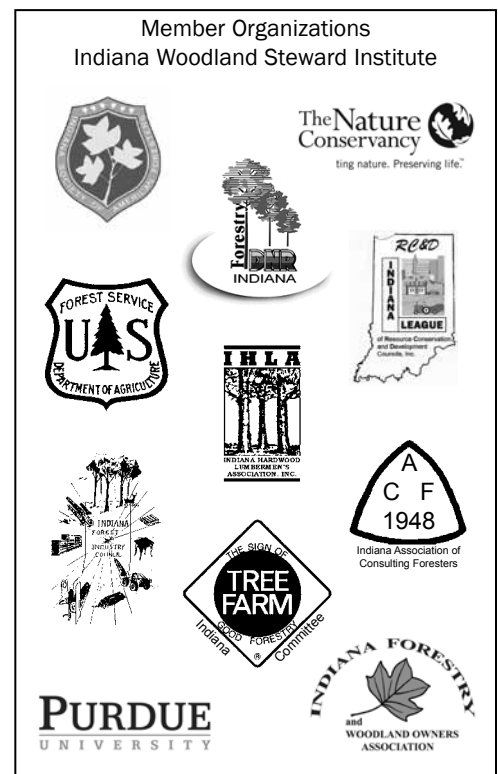
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The opinions expressed by the authors do not necessarily reflect those of the Woodland Steward Institute. The objectives of the newsletter are to provide general and technical natural resource information to woodland owners of Indiana, improve information distribution and build support for responsible forest resource management.



CALENDAR OF EVENTS

March 12

Sycamore Trails RC&D Forestry Awards Banquet

Rockville, Parke County
Contact: 765-653-9785 or strcd@sycamoretrails.org

March 13

Forest Landowners Clinic

9 am – 4 pm
Abe Martin Lodge,
Brown County State Park
Sponsored by Indiana Tree Farm
Registration is \$50 each, \$75
couples.
Contact: 765-494-2153 or
lfarlee@purdue.edu

March 13

Walnut Council field day

10 am – 4 pm
Danville, IL
Registration \$15 includes lunch
Contact: 765-583-3501 or
Dgreene@bloombank.com

March 13

Invasive Species Workshop

8:30 am – noon
Camp Buffalo, White County
Contact: 574-583-5962

March 16- May 4

Forest Management for the Private Woodland Owner

Brownsburg, Hendricks County
Contact 765-494-2153 or
lfarlee@purdue.edu

March 27

Ohio River Valley Woodland & Wildlife Workshop

8:30 am - 3:00 pm
Cincinnati, OH
woodlandstewards.osu.edu

March 27

Spring Hike

Douglass Woods, Steuben & Dekalb
counties
Contact: 260-665-9141

April 3

Mosquito Creek Woods hike

10 am
Harrison County
Contact: chauswald@tnc.org or
812-737-2087

April 10

Annual Wildflower Hike

10:30 am - 2:15 pm
Near Salem, IN
\$15 includes lunch
RSVP 812-883-3006 ext.5 or
maryjane.deel@in.usda.gov

April 16, 17 and 18

Owen County Wildflower Weekend

Contact: runversaw@dnr.in.gov or
812-829-2462

April 17

Hellbender Hustle 5K Run/Walk

9 am
O'Bannon Woods State Park
Sponsored by The Nature
Conservancy
Contact: chauswald@tnc.org or 812-
737-2087

April 30

Arbor Day Celebration

9:30 am – 2 pm
Indiana State Museum, Indianapolis

April 30 – May 2, 2010

Hill Country Warbler Fest

Fourwinds Resort and Marina
birdcountry.us/warblerfest_home.htm

May 1


Walking Tour of Research and Educational Activities at

Martell Forest, Tippecanoe County
Contact: dcassens@purdue.edu

June 26

Adventures with Nature program

9 am to 1:30 pm CDT
Tipsaw Lake, Perry County
Contact: Lincoln Hills RC&D at
812-649-9136 ext. 5 or
betsy.wilkinson@in.usda.gov

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Family Woodlands (cont'd from cover)

Limited Liability Company (LLC): Family members can form a LLC to protect the family forest. The LLC can be member-managed or manager-managed.

Land trusts: Land trusts may purchase conservation easements (the rights to prohibit development) on family forests, purchase forest outright, or receive donated forest lands from an estate.

Public landholders: Forest owners abutting or near public land may consider donating or selling their land to the public landholder. This choice has the environmental benefit of keeping large, contiguous forests intact.

There are five common mistakes to avoid in transferring woodland property:

If it's working, don't break it apart: You wouldn't break up a piece of equipment between your children, and splitting woodlands makes no less sense! The forest functions as an ecosystem, and it needs to be intact. Yet, owners look at their woods as they would a savings account and divide the asset among heirs.

"They know what I would want and they'll do the right thing:" If discussions don't happen, disagreements can happen among heirs. The obvious solution is to communicate your wishes, but ultimately, for the owner to make decisions and give heirs the chance to ask questions, understand, and respect choices.

"All our children want the same thing:" In interviews with adult children of forests owners, children differ in opinion on why they value family woodlands. It's best to have a discussion when the landowner can offer guidance and make decisions.

If you want it in the family, play out all scenarios: This is the cold reality of protecting family land legacies. Heirs are often looked at as sons or daughters and their spouses. Divorce or "right of survivorship" situations can sometimes take land out of family hands. Legal strategies ensure that land or land shares revert to blood relatives if that is important to you.


"I'm worth how much?" Landowners fail to realize the value of their forestland is a scenario that happens too often. Acreage with high development potential can mean sizeable estate taxes for heirs. Taxes in the hundreds of thousands of dollars are not uncommon. Selling the land may be the only solution for covering the debt. Get land appraised for its full development value, then run the estate tax calculations.

For a complete document to help guide landowners through the process of transferring their woodland to the next generation go to: http://na.fs.fed.us/pubs/stewardship/preserving_family_woods_lr.pdf, or contact Teena Ligman at 812-275-5987 or tligman@fs.fed.us for a copy by mail.

Teena Ligman is a Public Affairs Specialist for the USDA Forest Service, Wayne and Hoosier National Forests.

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Mill Pond Demonstration Woods Update

by Bruce Wakeland

Since 1988 our Arrow Head Country RC&D forestry committee has managed the 35-acre Mill Pond woodland, which belongs to Marshall County. This is a good woods on a fairly good site, but it is not among the best woodlands in our area. We do a 100% inventory of the timber in the same 15-acre section of these woods every five years. We then use this data to calculate and report on this woods economic productivity.

We did this periodic inventory in November of 2009 and found that the Mill Pond woods continues to have an average growth rate of 274 board feet per acre per year. This represents an average annual timber value increase of \$190 per acre per year. This growth in value is well above the typical annual per acre rates paid for farmland in our area.

Our forestry committee marked and sold an improvement type timber sale in 2000 and sold 28,333 board feet of timber for \$9,111. Our 2009 inventory shows 9,473 board feet of growing stock per acre, which is greater than the 8,776 board feet per acre just prior to the 2000 timber sale. We were pleased to find that these woods had more than replaced the volume harvested in 2000 in just 10 years. We are planning another timber sale as soon as the timber markets improve.

During the inventory in 2004 we noticed the beginning of a problem with Asian bush honeysuckle, mostly along the county road that runs along the south side of the woods. We discussed the need to control it while it was a small problem, but then forgot about it until we were doing the inventory this past November. It was amazing how much the problem had grown in just those five years. The honeysuckle was much thicker and was found in over half of the woods.



We scheduled a workday in December to control the honeysuckle. Seven members of our committee worked on it for a half a day cutting honeysuckle and treating the stumps with herbicide. We plan to put about that much more work into it late this summer spraying sprouts and missed plants to finish the job. This demonstration woods demonstrated to us that when we tell landowners to take care of a bush honeysuckle problem while it is small and before it gets big, we mean now, not five years from now.

The Arrowhead RC&D forestry committee is planning a forestry field day at the Mill Pond Demonstration Woods this coming August 7. If you would like to attend, contact the Arrow Head Country RC&D office at 574-946-3022 for more information.

Bruce Wakeland is a Consultant Forester and Chairperson of the Arrowhead RC&D Forestry Committee.

Mill Pond Demonstration Woods – Marshall County

Year	Volume per acre	Timber Value per acre	Harvest Volume
1987	4822 bd.ft.	\$1143	
1994	7209 bd.ft.	\$2425	
1999	8776 bd.ft.	\$3345	
2000			1295 bd.ft. = \$400 per acre
2001	7481 bd.ft.	\$3160	
2004	8122 bd.ft.	\$3920	
2009	9473 bd.ft.	? Recession	

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Liability and Forestland Ownership

by Justin Schneider

This material is for informational purposes only and should not be construed as legal advice. Please seek guidance of your own counsel with respect to your particular situation.

For those who open their property to others or whose property seems to attract the occasional wanderer, liability issues are a concern. While no means a complete discussion of liability issues, this article will list a few things landowners need to consider.

Liability can be based upon strict liability or negligence. Strict liability exists when activities are so inherently dangerous that liability should be imposed without any finding of negligence.¹ Strict liability is not common but exists for activities such as keeping wild animals.²

Negligence is the failure to exercise ordinary care such as a reasonably prudent and careful person under similar circumstances would exercise. To be liable under a negligence theory, you must owe someone a duty that you fail to meet, and that breach of duty must result in some harm.³ The status of the entrant is used to determine the duty owed.

A trespasser enters a person's land without permission. Once a trespasser is discovered, a landowner has a duty to refrain from committing an intentional act that likely will result in injury to the trespasser.⁴ Likewise, a landowner cannot fail to act if knowledge exists that a trespasser is likely to be injured and there is an opportunity to avoid the risk.⁵

If children are trespassers, the attractive nuisance doctrine applies when children cannot comprehend the danger of a situation or avoid it. The child's lack of understanding danger will lead to a duty to warn the child of the danger, even though the same duty is not owed to an adult. While several requirements exist for liability, the structure or condition must be attractive to children.⁶ An example might be old, abandoned farm equipment or buildings.

The attractive nuisance doctrine generally does not apply to common objects such as fences, gates, or walls.⁷ It also does not apply to natural or artificial conditions found in nature.⁸ Therefore, one would assume that ponds or lakes are not subject to the attractive nuisance doctrine.

Licensees enter for their own convenience or entertainment.⁹ Unlike trespassers, licensees seek permission from the landowner. A landowner owes a licensee the same duty owed to a trespasser and must warn a licensee of any hidden danger of which the landowner has knowledge.¹⁰

Invitees are owed the highest duty of care because they are on the property at the invitation of the landowner. Invitees include public invitees, business invitees, and social guests. If the land is held open for the public's use—such as for a community garden or hiking trail—an entrant is likely a public invitee. Business invitees are invited to enter or remain on land for purposes connected to the landowner's business dealings.¹¹ Social guests are given an actual or standing

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invitation to enter onto your property for personal purposes.¹²

When dealing with invitees, special precautions need to be taken. Landowners must evaluate their premises to determine if any conditions exist that would involve an unreasonable risk of harm to an invitee.¹³ If those conditions exist and the invitee would not realize the danger or protect against it, the landowner must exercise reasonable care to protect the invitee.¹⁴

Several tools exist to reduce liability. The Indiana Recreational Use Statutes provides some protection to landowners who allow certain recreational activities on their property without charge.¹⁵ Waivers can be used to agree in advance that a landowner is under no obligation of care for the benefit of the other.¹⁶ However, waivers may not protect a landowner from liability if a child is injured.¹⁷ Insurance policies can protect landowners from substantial amounts of liability, and some policies can be purchased by the user of the property for the benefit of the landowner. Finally, common sense can play a crucial role in reducing your liability as a property owner.

While liability issues exist and need your attention, there is no reason that others cannot enjoy your property. You just need to take care to protect them as much as possible and to use

whatever tools are at your means to reduce the risk that you might be liable for any injuries that they may suffer.

Justin Schneider is a Staff Attorney for the Indiana Farm Bureau, Inc., Indianapolis.

(Endnotes)

- 1 *Cook v. Whitsell-Sherman*, 796 N.E.2d 271, 276 (Ind. 2003).
- 2 *Irvine v. Rare Feline Breeding Center, Inc.*, 685 N.E.2d 120, 123 (Ind. Ct. App. 1997).
- 3 *Yates v. Johnson County Bd. of Commissioners*, 888 N.E.2d 842, 847 (Ind. Ct. App. 2008).
- 4 *Miner v. Southwest School Corp.*, 755 N.E.2d 1110, 1113 (Ind. Ct. App. 2001).
- 5 *Id.*
- 6 *Kopczynski v. Barger*, 887 N.E.2d 928, 932 (Ind. 2008).
- 7 *Id.*
- 8 *Cunningham v. Bakker Produce, Inc.*, 712 N.E.2d 1002, 1007 (Ind. Ct. App. 1999) (cut tree limbs not an attractive nuisance).
- 9 *Burrell v. Meads*, 569 N.E.2d 637, 640 (Ind. 1991).
- 10 *Id.* at 639-40.
- 11 *Id.* at 642.
- 12 *Id.* at 643.
- 13 *Id.* at 639-40.
- 14 *Id.*
- 15 See Ind. Code § 14-22-10-2 and § 14-22-10-2.5.
- 16 *Anderson v. Four Seasons Equestrian Center, Inc.*, 852 N.E.2d 576, 581 (Ind. Ct. App. 2006).
- 17 *Kirton v. Fields*, 997 So.2d 349, 355-56 (Fla. 2008)



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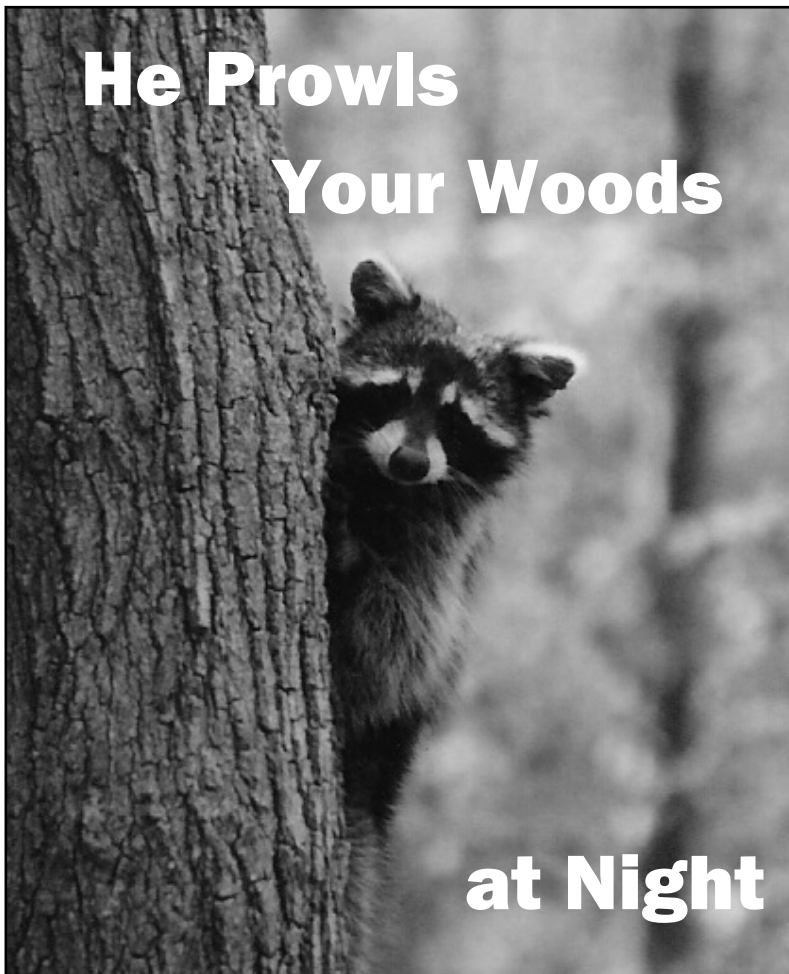
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by Allen Pursell

Woodland mammals are particularly fond of the night, but few are seemingly so well adapted to the nightlife as the raccoon. They are found in almost every woodlot, forest, and suburb. So common in fact it is difficult to believe they once nearly disappeared from Indiana.

The trade in raccoon furs extends its reach back in time to when all this land was French territory. Later as settlers arrived and began clearing the land they brought a tradition of trapping and dog hunting with them. By the early twentieth

century, especially during the 1920s raccoon fur coats and jackets had become the fashion rage. Strong demand for furs led to an intense pursuit of the animal. By the 1930s, raccoons had become truly scarce in Indiana. Coon hunting clubs took it upon themselves to import raccoons from other areas of the country, and went so far as to establish captive breeding and release programs. Their efforts were of course successful and raccoons spread widely during the 1940s, stabilizing during the 1950s but at a level far less than that of today.

Beginning in the 1950s staff of what was then known as the Department of Conservation began collecting data on the trade in raccoon pelts. One of the findings of this long-term study is while hunting and trapping are often thought of as recreational pursuits, the market for furs actually drives the number of raccoons taken by hunters and trappers (Figures 1 and 2). For instance, around 1970 raccoon fur prices entered a bull market with steep rises in price and a corresponding increase in fur harvesting. Pelt prices increased dramatically over the course of several years from less than \$5 to nearly \$25 each. But as with so many markets this euphoria was followed by an equally extended bear market. Fur prices began to decline and by 1990 had fallen to their pre-1970 price.

Tremendously adaptable raccoons took advantage of the decline in harvesting and growth of suburban sprawl during the 1990s. In short, their populations exploded. They have grown so numerous some wildlife biologists now believe they may have saturated their habitat and reached the full capacity of the environment to sustain them. The impact of so many raccoons has been noticeable, especially in agriculture.

Raccoons are especially ravenous consumers of corn. According to Professor Gene Rhodes at Purdue University, recent studies have shown that

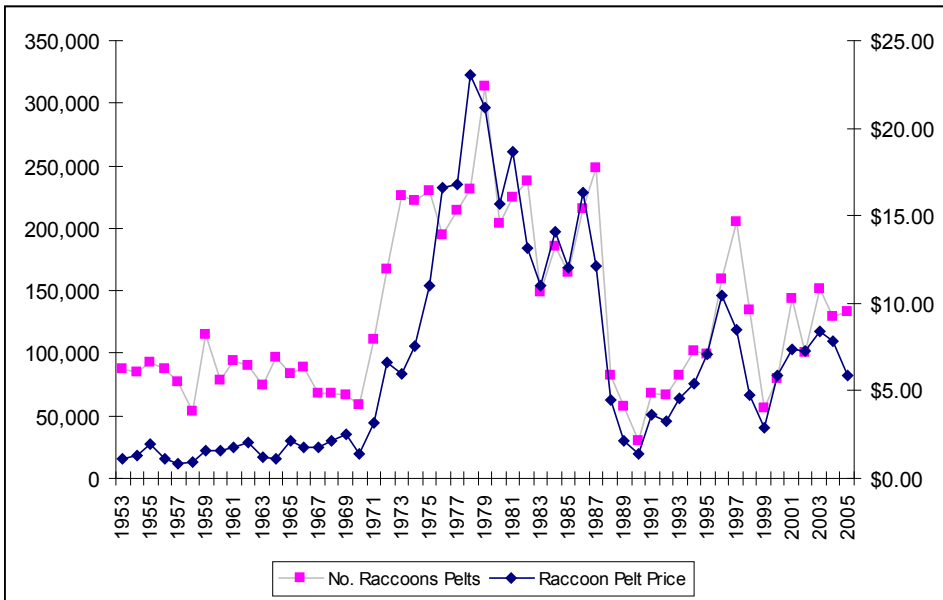


Figure 1. Number and price of raccoon pelts purchased by licensed fur buyers in Indiana from 1953 until 2005. (Indiana DNR, Division of Fish and Wildlife)

distemper and the parasitic raccoon roundworm, which has been known to infect humans with fatal results. They may also carry rabies although there have been no cases in Indiana for a number of years according to DNR wildlife biologists.

Raccoons rarely threaten people with injury, but are not shy about helping themselves to garbage cans, attics, and barns. Indiana residents having difficulty with raccoons can visit the Wildlife Conflicts Information Website at www.wildlifeline.info.

87% of damage to field corn can be attributed to raccoons. Deer account for only about 10%. Raccoons are also well known for taxing sweet corn in many a garden, and bird feeders are viewed by them with pleasure.

Being omnivores raccoons feed on a variety of both plants and animals, including songbird eggs. There is a curious correlation between the large rise in raccoon numbers beginning about 1980 and a simultaneous decline in ground nesting and shrub nesting songbirds across the eastern United States, although no connection between the two has ever been firmly established. Besides an increase in raccoons other factors could be responsible as well, including loss of habitat for grassland and shrub-loving birds, land use changes, and other animals. Housecats are known to kill millions of songbirds nationwide each year.

Of course raccoons are native and necessary inhabitants of the forest. While they are attractive animals and a pleasure to watch they are best left alone. Wildlife biologists with the Indiana DNR strongly recommend against keeping raccoons for pets. Raccoons are carriers of canine

Our modifications to the natural world and especially the spread of suburbia have been at the expense of many wildlife species – but not the raccoon. This is one creature we can be certain will be prowling our woods for a very long time to come.

Allen Pursell is the Blue River Program Director for The Nature Conservancy in Indiana.

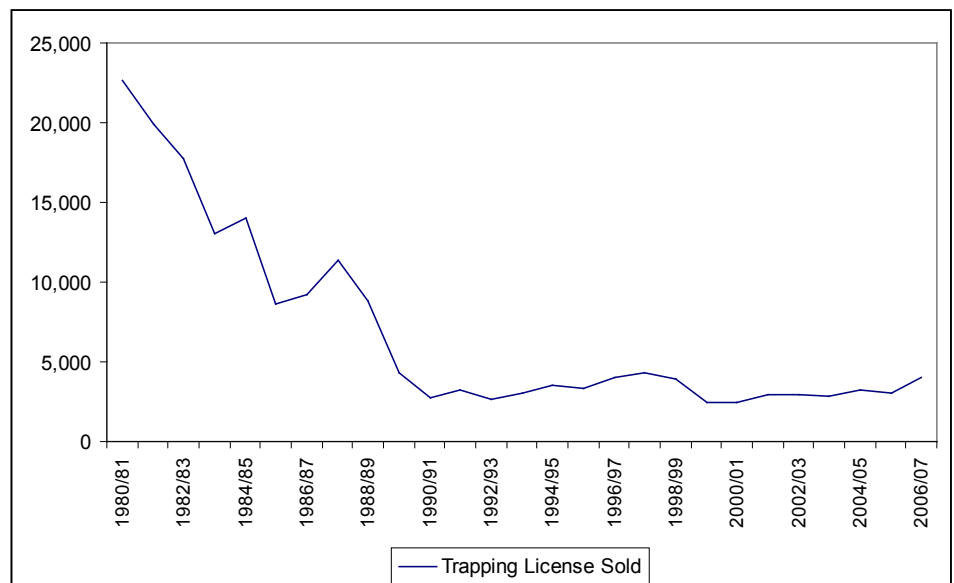


Figure 2. Number of trapping licenses sold in Indiana from 1980 to 2006. (Indiana DNR, Division of Fish and Wildlife)

Federal Government Forest Policy Beginning to Take Shape under New Administration

by Bill Minter

Twelve months into the new Obama administration, specific policies towards the nation's forestlands are still evolving. Several key administration appointments have recently been made which will no doubt clarify the direction the administration expects to take—both in the management of the national forests and private family forests.

USDA Secretary Tom Vilsack outlined his vision for our nation's forests in a major address on August 14, 2009. In it, he acknowledged recently appointed U.S. Forest Service Chief Tom Tidwell (a 32-year career agency employee) and the role this agency plays in the management of the National Forests. But he went on to share his vision for a USDA Forest Service that adopts an "all lands approach" requiring close collaboration with the USDA's Natural Resources Conservation Service (NRCS) and its work on America's privately-held working lands.

In this address, he highlighted a strong link between economics and environmental benefits. Under this administration's tenure he envisioned a USDA that would enable both public and family forestlands to be restored and managed to protect water resources while making them more resilient to climatic changes. He recognized the role that the private sector markets play in generating rural wealth, facilitating forest management, and keeping forests forested.

Vilsack specifically highlighted non-traditional markets for climate change mitigation and biomass energy, while continuing to recognize the need for the more traditional forest resources. Besides carbon sequestration and bioenergy, he expected

increased markets for water that would provide rural landowners with incentives to restore watersheds and manage forests for clean abundant water supplies.

Vilsack's initial actions have included:

- a) Commencing the national sign-up of the first 12.7 million acres of private agriculture and forestlands under the Conservation Stewardship Program, which encourages landowners to maintain existing conservation activities and adopt additional ones.
- b) Awarding of \$4.2 million in grants to small businesses and community groups to develop innovative uses for woody biomass from hazardous fuel reduction projects on National Forests.
- c) Awarding \$667 million and \$483 million of American Recovery and Reinvestment Act ("Stimulus") funds to forestry projects on federal and state/private forestlands, respectively.
- d) Taking over decision-making authority from the U.S. Forest Service over proposed forest management or road construction projects in inventoried roadless areas on National Forests for an interim one-year period. The directive is meant to ensure that USDA can carefully consider activities in these inventoried roadless areas while a long-term roadless area policy is developed and relevant court cases move forward.

Bill Minter is the Policy Committee Chair for the Indiana Society of American Foresters.

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for Woodland Owners

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New Invader to Watch For!

NARROWLEAF BITTERCRESS (*Cardamine impatiens*) is only known from one site in Indiana, at Charlestown State Park in Clark County. Land managers there have watched it spread quickly through the riparian forest in the same way garlic mustard does. There are scattered sites for this species in the Midwest and in the Northeast, and the expectation is that there are more sites to find in Indiana.

Identification:

- Herbaceous annual or biennial, with erect form; 6"-31" tall; shiny green in color.
- Leaves pinnately divided with numerous (6-20), sharply toothed leaflets, with membrane-like, narrow, pointed ears at the leaf base and if a leaf is removed, the ears stay on the stem (this distinguishes this species from other mustards).
- Stems erect and glabrous.
- Flowers small and white, up to 0.1" long; blooms May to August.
- Fruit/seeds slender seedpods in spreading-ascending erect pedicels 0.6-0.8" long, ripening from May to September.

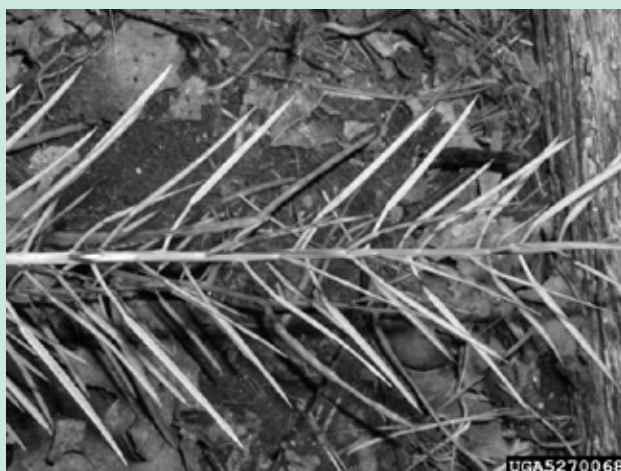


Full plant view. Image courtesy of Leslie J. Mehrhoff, University of Connecticut, Bugwood.org

Help stop this species before it spreads in Indiana - please report any finds of this species to Ellen Jacquart at ejacquart@tnc.org.



Basal rosette of narrowleaf bittercress. Image courtesy of Leslie J. Mehrhoff, University of Connecticut, Bugwood.org.



Seeds are slender pods. Image courtesy of Leslie J. Mehrhoff, University of Connecticut, Bugwood.org.

Ask the Steward

by Dan Ernst

Question: *The raccoons in my area are making very loud noises at night. What's their problem?*

Answer: Very simple - February and March is prime mating season for raccoons and the males are on the prowl. They are hungry, eager and on the move. Squabbles over territory and females are common and can be very boisterous. The females are more social during this time - at least for a while. She'll mate with only one male. The male's loyalty will last about a week and then he's on the prowl again.

After mating season the males and females do not associate with each other. In fact, not long after mating the females will get testy, and will drive the males off. These can also be noisy sessions.

Three to seven kits (usually 4) are born 60 to 65 days later and after another 20 weeks, the young regularly forage with their mother during the evening and night. They'll stay with mom through the first winter and then become independent. The cycle then begins anew.

Question: *An area of my Northern Indiana woods ponds water in the spring. What is best way to fill it to extend my woods road?*

Answer: What you have is likely a **vernal pool** - a very unique, and somewhat uncommon, natural feature in Indiana woodlands. Vernal pools are more common in Northern Indiana, but can be found in other areas of the state - particularly in broad river bottom woods and areas of poorly drained soils.

Vernal pools occur in shallow, depressional areas with no natural outlet. Pools are usually not more than a couple feet deep, and some may only hold a few inches of water during the spring when water tables are high and the ground saturated from snow melt and spring rains. As the seasons progress, water tables drop and the water ponding disappears. Some will never notice their vernal pool in the dryness of summer and fall, but it will return next year.

Vernal pools support a unique group of animals that have evolved to use these temporary (seasonal) wetlands, where they are not threatened by fish. This includes mole salamanders, wood frogs, crayfish, and fairy shrimp.

The pool really comes to life on a few rainy spring night(s), after the ground has thawed, when the salamanders and wood frogs migrate from their high ground to vernal pools to breed. After mating, they make a night trip, again in the rain, back to the upland areas of the woods. These 'big nights', as commonly called, are well worth a springtime trip to the woods with a good flashlight. Step carefully - salamanders don't move out of the way very well.

So, for your answer on how to put a woods road through that wet area? Go around it - and enjoy woodland wonders at your very own vernal pool. For more information on this important natural resource visit www.vernalpools.org.

Dan Ernst is an Assistant State Forester with Indiana Division of Forestry. He oversees the State Forests in Indiana and has authored the "Ask the Steward" column for years. Have a question for the column? Email Dan at dernst@dnr.in.gov.

Plant a Tree for You and Me

Conservation is moving from the country to backyards across Indiana. Interest in our natural resources is growing. The southern Indiana project called "Plant a Tree for You and Me" will add to this movement. This is a joint project of the Clark, Crawford, Floyd, Harrison, Jefferson, Ripley and Scott County SWCDs, and is sponsored by Historic Hoosier Hills RC&D.

The five-year project has two primary goals. The first is to educate our communities about the benefits of trees and their management. The second goal of the project is to help and encourage the citizens of southern Indiana to plant 100,000 trees in our seven county areas by 2012.

Why Plant 100,000 Trees? This question was pondered for some time. Research was completed to see if this could really make a difference. The answer is a definitive "yes, it could make a difference." Here are some of the benefits:

- Trees modify local temperatures, reducing heating and cooling costs.
- Trees remove carbon dioxide from the air and replace it with oxygen.
- Trees smooth out the harsh and straight lines of buildings improving curb appeal.
- Trees provide shade for cooling parking lots, driveways, sidewalks and vehicles.
- Trees buffer noise and screen out unsightly views.

Good Fences Make Good Neighbors: True or False?

by Ross H. Taylor

Most have heard the old adage “good fences make good neighbors.” There is some truth to the statement but also some untruths and gray areas.

Why is the fence in the present location? How long has the fence been there? Why is it important if I conduct forest management activities on “my” side of the fence? Is there mention of the fence in either adjoiner’s legal description? Hopefully this article can answer some of these questions.

Why is the fence in the present location? If you are fortunate, the fence was located after a land survey was conducted on the property. Did the previous landowners come to an unwritten boundary agreement but did not finalize their agreement legally? If an agreement has been made by abutting landowners and not filed in the courthouse or attached to their respective deeds, ascertaining if an agreement ever existed can become difficult, particularly when the parties are deceased or have moved.

Look at your deed. Is there a reference in the deed description stating “thence to a fence” or “thence along a fence?” If the reference to the fence is in your deed language, it would be prudent to ensure the fence location has not been changed since the deed was written. Without benefit of a survey the fence may not be in the proper location.

Why is it important if I just conduct activities on my side of the fence? A number of possibilities exist if the fence is not the legal boundary. You could be a victim of timber

theft by the adjacent landowner or you may end up cutting on the adjacent landowner and be liable for restitution to your neighbor for trees removed from their property. One may not harvest all the merchantable timber from their land by “playing it safe,” backing off the fence, or creating a buffer if there is doubt of the fences location. The timber within the buffer may have enough value to pay for a legal survey of the land and remove doubts for the next harvest or stand improvement activity.

Prior to conducting activities on their land, private land owners should verify that the fence is the legal boundary contained in their deed, and that a survey has been done.

In summary, fences do make good neighbors if they are located properly or they may cause expensive legal issues if they are not. The landowner conducting the activity has the option to survey the land or not. Remember, the land surveyor is not judge and jury. The surveyor should collect all information available, make you aware of any possible unwritten rights along the property boundary, and possibly suggest a form of resolution.

There are a number of websites available for additional information. The Indiana Society of Professional Land Surveyors, <http://www.ispls.org>, has some links to Indiana Code and Indiana Supreme and Appeals Court cases. Your local land surveyor is also a great source of information.

Ross is the former (retired) Lands Program Manager for the Hoosier National Forest.

- Trees add property value.
- Trees provide nuts, fruits and other food for humans and wildlife.
- Trees help relieve stress and reduce recovery time for sick and injured people.
- Trees promote harmony among people reducing acts of aggression and crime.

Over ninety-five percent of the land in Indiana is privately owned. These private landowners and their treatment of the land largely determine the quality of our environment. Farmers use conservation plans to help them manage their natural resources. These plans help them to apply practices which meet production objectives while protecting soil, water,

air, plants and animal resources. Homeowners can develop a similar plan for their backyard.

The joys of natural beauty, song birds, butterflies, mosquito control, cooler summer evenings and the great outdoors will become a satisfying reward! You can become a part of this exciting movement to plant 100,000 trees by recording the trees you have planted. For more information about the Plant a Tree for You and Me project please check out the website at www.clarkswcd.org/PAT/openpage.htm. Your local Soil and Water Conservation District office is also a great source of information about planting trees, recording those planted and developing your backyard plan.

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Many thanks to our readers for the continued support of the Woodland Steward Newsletter. The Institute wishes to publicly thank each of you for your contributions. In 2009, the institute received contributions from 306 Woodland enthusiasts, for a total of \$7,327.00. This money will help enable the Institute to mail a third issue to over 32,000 woodland owners.

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Days gone by



Schlamm Lake Dam, Clark County State Forest. Excavation of lake, prior to filling in 1935 (left) and today with park facilities at the top of the road (right). Photos courtesy of Joseph DeWees, of Brown County, and Clark State Forest.

If you have a photo you'd like to share, send it to P.O. Box 265, Brookville, IN 47907, or e-mail to macgowan@purdue.edu.

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