

Managing Your Forest *Forever*

So you've already worked with a professional forester and your forest stewardship plan is in tact. You know about all the forest resources on your property, you've determined your objectives for your property and you are currently putting those recommendations into practice. Congratulations! Your actions will benefit your land now. So how do you know that 100 years from now, your land will remain forest and your goals are still being met?

If forest landowners want to ensure that their forest stewardship efforts extend beyond their tenure and are available for future generations to use and cherish, they must act responsibly and take charge of the direction and long-term future of their land. Working Forest Conservation Easements (WFCE) is one estate planning tool that may be the answer.

Concept of conservation easements

A conservation easement is a legal agreement between a landowner and a nonprofit land trust or governmental entity that permanently limits the uses of the land in order to protect specified conservation values. It does this by restricting the amount of development and activities that can take place in the future. Not only do conservation easements protect open space values such as wildlife habitat, ecological diversity, and forest beauty, but also the economic and community benefits that arise out of the forest's production of forest products, goods and services.

Some of the benefits of conservation easements include:

- They leave the property in the ownership of the

landowner, who may continue to live on it, sell it, or pass it on to heirs.

- They can significantly lower estate taxes and provide the landowners with income tax and/or property tax benefits for many years.
- They are flexible and can be written to meet the particular needs of the landowners while protecting the property's resources.
- They are permanent even when the land changes hands.
- They provide private landowners with a means to control the future use of their own private lands – independent of government agencies and the local planning and zoning process.

What is a working forest and how does it differ from "Forever Wild?"

All forests "work" by providing wildlife habitat, clean air, clean water, beautiful surroundings, etc., but a "working forest" is one that is actively managed using a forest stewardship plan as the road map or guide. The plan can be revised every 10 years or so to meet changing needs within the limitations of the objectives. A fact sheet on developing a forest stewardship plan (FS625) is available from the Maryland Cooperative Extension web site. This is in contrast to an easement that is commonly called "forever wild," where forest harvesting is prohibited so that nature can take its course. Unfortunately, forest history and the impacts of human populations on forest ecosystems have demonstrated that what nature will provide is not what most landowners envisioned. In the

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1920's, the entire Appalachian forest saw the decline of the American chestnut due to the introduced chestnut blight. In recent years, the gypsy moth has caused the mortality of thousands of acres of oak forest. Millions of acres of New England forest was ravaged by an ice storm. The future will surely bring new surprises.

Landowners who restrict timber harvesting in conservation easements many times do so to protect sensitive or unique habitats, or maintain a certain forest stage (for example – mature growth). Over time these habitats change through the process of natural succession and many times require forest harvesting to maintain or enhance them as conditions change.

It is not recommended that landowners give up the right to harvest forest products as part of a conservation easement unless they carefully consider the future implications of that decision. The inability to harvest timber forever limits the ability of the land to support itself economically in the future. While the present generation may be able to handle this financial burden, future generations may not.

How do I select a proper land trust?

Not all land trusts are willing or able to handle working forest conservation easements. Many land trusts have specific goals that may be targeted toward scenic, historic, or preservation easements, not those that involve working forests. There are many state and national land trusts that may fit your needs.

Research local, state, and national land trusts to find out how long they have been in existence, how many properties they protect, and if possible, talk to another landowner who has a conservation easement held by that land trust. Land trusts should:

- have experience owning and/or managing forestland.
- share similar objectives concerning the land with the landowner.
- be able to respond to such things as marketplace pressures, harvest complications or storm or insect damage.
- be prepared to evaluate management options and respond to circumstances on the property and the landowner's needs. Land trusts may not have foresters on staff, but they should have relationships with professional consulting foresters who can oversee the management of your property.
- have a "forever plan" that stipulates who will take over monitoring and enforcement of the easement if the land trust should falter.

Where do I go from here?

You can contact the Maryland Environmental Trust (MET) at (410) 514-7900 to obtain a list of local land trusts in Maryland. Maryland is fortunate to have the MET, which as state-supported agency, is able to cosign conservation easements with local land trusts. This provides an assurance that if something were to happen to the local land trust, the MET would still be there to monitor and enforce the easement. You can also contact the Land Trust Alliance (www.lta.org) at 202-638-4725 to find land trusts in your area that handle working forest conservation easements. You can log on to their web site at www.lta.org/findlandtrust/index.html for a listing of land trusts in your area and other educational materials.

- **Be prepared prior to talking with the land trust** – It is important that you represent yourself as an informed landowner and approach the land trust with a plan of your own.
- **Talk with your own legal and financial advisors** – Some land trusts can provide legal or financial advice, but it is best for you to seek your own qualified legal and financial counsel to make sure your considerations and decisions about your property are what you expect.
- **Talk with others who have been through it** – Don't just talk with landowners who have had success with their easements, but also speak with those who may have had negative experiences. They can give you the ins and outs and advice on how to get things done.
- **Working Forest Conservation Easement: A Primer for Forest Landowners** – A new factsheet developed by Maryland Cooperative Extension which has detailed information about WFCEs and provides further resources. You may view and download a copy at www.naturalresources.umd.edu.
- **The Landowner's Guide to Conservation Easements** by S. Bick & H.L. Haney, Jr. 2001. Kendall/Hunt Publishing. Good resource on landowner perspective.

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The Quiet Giant, *The Wye Oak*

On June 7, 2002 the largest white oak tree in the nation was brought down by a severe storm. At 460 years old, the Wye Oak was one of Maryland's most treasured symbols. The tree's measurements included a 382 inch circumference, it stood 96 feet tall and had a crown spread of 119 feet which covered nearly one-third of an acre.

In 1919, the American Forestry Magazine honored the Wye Oak in its Tree Hall of Fame and it was one of the original "Champion Trees" named in the 1940 American Forestry Association tree contest. Since its beginning in the 1500s, the tree saw the birth of a nation and survived countless thunderstorms, tornadoes, diseases and the threats of modern development.

Currently, state agencies are collecting bud wood in an attempt to clone the tree, and collecting leaves, stems and wood to preserve and find an appropriate use to match the Wye Oak's historic value to the State. The Governor is encouraging Marylanders who have innovative ideas on how to use the wood that is being saved from the Wye Oak, e-mail suggestions to wyeoakideas.dnr.state.md.us.

New Deer Management Program Benefits Forest Landowners

As deer populations have increased in the state, damage to forest ecosystems has increased. This results in economic losses as well losses in biodiversity as deer selectively browse certain species in native forests and plantations.

Recent changes in the Deer Management Permit system in Maryland specifically enable forest landowners to obtain deer damage permits to harvest deer throughout the year to reduce the damage to existing forests and plantations. Deer Management Permits are now available for owners of woodland that have forest management plans or tree planting plans written by a Department of Natural Resources (DNR) forester or a licensed professional forester. New applicants will have to contact their regional DNR Wildlife Division office, which are provided in this article. A wildlife biologist will visit the property and issue a Deer Management Permit to the landowner. He/she will then provide a certain number of deer tags that the landowner can fill anytime of the year. Tags are issued for antlerless deer only and the number will depend on the situation. When the tags

are filled, new tags may be provided without another visit by the biologist, which streamlines the program. Many landowners may not hunt, but still wish to reduce deer damage. The landowner can assign other agents (other hunters) to fill the tags.

Forest landowners who meet the requirement above should contact the regional DNR Wildlife Division office near them for more information:

Southern Region - Tawes State Office Building, E-1,
Annapolis, MD 21401 (410) 260-8540

Western Region - 3 Pershing Street, Cumberland, MD
21502 (301) 777-2136

Central Region - 2 S. Bond Street, Bel Air, MD 21014
(410) 836-4557

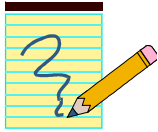
Eastern Region - 201 Baptist Street, Suite 22, Salisbury,
MD 21801 (410) 543-6595

"Invasive Species of Concern in Maryland" - A New Publication!

Approximately 100 million acres of the U.S. landscape have been infested with invasive species, with an 8 - 20% increase expected each year in the future. Invasive species are "alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health." These species threaten biodiversity, reduce habitat quality, impair native ecosystems, and have significant economic impacts, especially in agricultural areas where billions are spent trying to control them. Forests are being overrun by invasive species that are replacing native species.

A National Initiative has been developed that focuses on prevention, control, and restoration. What can the average forest landowner do?

- *First*, know what they are. A new publication "**Invasive Species of Concern in Maryland**" developed by the Maryland Invasive Species Council will do this. It is available online at www.mda.state.md.us/plantinvspeci.pdf, by calling (410) 841-5920, and in hard copy from various conservation organizations.
- *Second*, buy a field guide from a bookstore and learn to identify these species.
- *Third*, contact your state forester or other organizations mentioned in the publication to find out what you can do on your property. Possibilities include removal, avoiding introduction and transportation, minimizing disturbances that increase their abundance, and educating your neighbors about the problem.



Take Note

Frequently Asked Questions (FAQ's) on Forest Stewardship Have Been Answered!

There is a new section on the Maryland Cooperative Extension web site, www.naturalresources.umd.edu that has answers to all your forestry and wildlife inquiries. Simply log on and click on the **FAQ's** button. You'll find answers to the following topics with links to additional sources of information. Check it out!

- Getting started in forest stewardship
- Forest ecology and management
- Timber management and taxes
- Wildlife management
- Plant and insect identification

Mid-Atlantic Forest Stewardship Seminar

This annual educational event is the place for new and existing forest landowners to learn about forest stewardship from professionals and network with other landowners. It will take place on Saturday, November 2, from 9 a.m. - 4 p.m. at Frederick Community College. The keynote topic will focus on making your voice heard in forest conservation, and will include representatives from forest landowner organizations. Breakout topics will include: a hands-on session on forest stewardship planning, creating a wildlife habitat plan, marketing forest products, reducing hidden forest ownership costs (i.e. taxes), managing wild turkey, chainsaw safety, and more. The \$30 registration includes lunch, materials and the opportunity to learn. Preregistration is required by October 28. Call or e-mail Wilma Holdway at 301-631-3576 or wh89@umail.umd.edu.

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Please send changes of address.

See page 2 for addresses and phone number.

Upcoming Stewardship Events

- **September 26-29: Coverts Volunteer Training Workshop.** See www.naturalresources.umd.edu.
- **October 25 & 26: 2002 Maryland Forests Association Annual Meeting, Forest Green Certification,** Sheraton Columbia Hotel. Forest Certification is a global movement to encourage and reward higher standards of forestry practices and environmental performance by forest landowners. Contact Karin Miller, 301-895-5369, or visit www.mdforests.org.
- **November 2: Mid-Atlantic Forest Stewardship Seminar,** see article for details.

Forestry in Maryland Dinner Series

The ability to apply scientifically-based, sustainable forest management practices on public and private lands is key to keeping our forests healthy and productive for the future. Differences among groups on forest harvesting has led to legislation in the past that could stop or severely limit forest harvest activities on public lands and could have implications on private land.

The Maryland Forests Association is sponsoring a series of regional dinner meetings from 6 - 9 p.m. to provide an educational forum to discuss these issues. The dates are:

- Wednesday, September 4 (Eastern Region)
- Thursday, September 5 (Southern Region)
- Wednesday, September 18 (Central Region)
- Thursday, September 19 (Western Region)

Guests will have the opportunity to hear from Matt Bennett, a pro-forestry activist and Executive Director of Treekeepers.org. For more information contact MFA at 301-895-5369 or www.mdforests.org.

New Farm Bill and the Forest Landowner

The farm bill recently passed by Congress contains numerous programs that will have a real impact on forest landowners. Our next newsletter will highlight those programs.



Take Note

