



BRANCHING OUT

Maryland's Forest Stewardship Educator

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MARYLAND LANDOWNERS HAVE GOOD LIABILITY PROTECTION

BY JONATHAN KAYS, EXTENSION SPECIALIST—NATURAL RESOURCES

Forest and farm property owners are usually concerned by the liability that may arrive from hunting or other recreation on their property. The belief that someone injured on your property can sue and win a judgment is not supported by case law. In fact, Maryland landowners receive good liability protection under recreational statutes that were first enacted in the 1960s to encourage landowners to allow others to recreate on their property. This article will provide an overview of these protections but more detail is available in a newly revised extension publication entitled, "Recreational Access and Landowner Liability (EB357)," which is available online at no cost at www.naturalresources.umd.edu. Go to the publications link.

Rights and Responsibilities

The Maryland Annotated Code addresses landowner rights and responsibilities and encourages you to open your property for recreationalists. Known as recreational statutes, these laws limit your liability when you make your land available to recreationalists *without a fee*. Recreational activities are broadly defined, including educational tours, geocaching, and hang gliding.

In general, recreational statutes are meant to apply to undeveloped, open, and expansive properties where hunting, fishing, and other recreational activities are expected to take place. However, a 2002 case by the Maryland Circuit Court of Appeals upheld the recreational statute in a case involving an injury to a runner staying at a Marriot Hotel who used the trails in the adjacent business park. Since there was no fee to use the trails the management company for the business park has no duty to inspect the trails, keep them safe, or warn of potential dangers. This case upholds the Maryland recreational statute and perhaps most important in our developing state, applies the statute to developed rural properties and open

space areas, not just expansive rural woodlands and farms.

You Still Have Liability
Landowners have good liability protection for the hunter, hiker or ATV rider who falls from a tree or breaks a leg. However, liability protection is not absolute. Landowners are still liable for injury if there is


willful or malicious failure to guard or warn against dangerous conditions on your property. In reality, the person injured must prove in a court of law that you willfully or maliciously caused the injury, which is very difficult to prove.

You can minimize possible problems by practicing risk management; for example, fencing off or removing hazards, posting signs to identify hazards, and giving users a written statement of known hazards and rules and regulations for use of your property. Perhaps most important, you do need liability insurance to cover your costs for legal counsel for judgments or lawsuits, frivolous or warranted. Many farm and property policies provide this protection but check with your insurance provider to be certain you have adequate coverage. Tell the agent what activities are taking place on your property.

No Fee Charged

If the recreational statutes apply only if you *do not charge a fee*, what is a *fee*? Charge is defined as price or fee asked for services, entertainment, recreation performed, or products offered for sale on land or in return for invitation or permission to enter or go onto the land. Charge does not include: the sharing of game, fish, or other products of recreational use; benefits to the land arising from the recreational use; and contributions in kind or services to promote the management for conservation of resources on the land. This allows you to grant permission to recreational clubs or individuals to use your property in exchange for maintaining roads, repairing fences, sharing of game, etc.

Fee Charged

If you do charge a fee for recreational access or lease hunting rights, the recreational statute does not apply. These individuals are now *invitees* (business visitors) and you are to protect users from all known dangers and those that would be discovered with reasonable care. Conventional farm policies usually do not cover fee hunting, fee fishing, firewood business, or other business activities. Fortunately, liability insurance for fee hunting is affordable and readily available from specialty companies. You should have a written lease with any fee hunting enterprise. Sample hunting leases and insurance providers are available in *Extension Bulletin 357*. 

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MARK YOUR CALENDAR

See calendar on page 4 for many upcoming forestry events!



NEWS AND PROGRAMS

CONTROLLING TRESPASS

Many landowners are frustrated by attempts to control hunters and other recreationalists on their property. Many landowners ask "How do I keep trespassers off my property?" Actually the better question is "Who do I allow to use my property?" It is very difficult for hunters and recreationalist to find private land they can use.

If you work with a group of hunters or recreationalists that respect your wishes they will usually take care of trespass problems by making it clear to others in the area that they have the sole right to use the property. If no fee is charged you have minimal liability and the group can

provide in-kind services or game for your use.

The Maryland Annotated Code makes it clear that it is unlawful to trespass on private property that is posted in a conspicuous manner using signs or paint marks and that trespassers must leave your property immediately when notified. For many recreational activities, such as off-road vehicle use and hunting and fishing, the recreationalist must have your written permission to be on the property. In the case of ATV riders, they must have the permission on their person. If you have a trespass problem that requires legal action, it is best to call the Natural Resources Police. They must see the trespass taking place so this

requires good timing on your part. Trespass is a misdemeanor and to have a successful prosecution will require you testify in court. This brings a host of concerns by many landowners so it is best to work with neighbors and recreationalists, and to control access before taking serious legal action.

This article provides only basic information and is not intended to be a substitute for advice from a lawyer or insurance agent. For more information, see our free publication #EB357, *Recreational Access and Landowner Liability*, available at www.naturalresources.umd.edu. ☒

Handheld GPS Computer Workshops Offered



Handheld GPS receivers are a great resource for landowners, natural resource professionals, and other outdoor recreationalists. Current GPS units are accurate (+/- 15 feet) and can be used for marking hunting locations, structures, streams, your vehicle location, as well as for fun activities such as geocaching. Professional natural resource managers can save valuable field time by using GPS with a computer to locate inventory plots, access roads, outline timber sale and property boundaries, direct customers to sale locations, and much more.

The University of Maryland Cooperative Extension is again offering a series of fall workshops for Beginner GPS Training to teach those interested in learning how to use GPS handheld receivers with a computer, with specific applications to forestry and logging uses. The workshop provides a Garmin GPS MAP76CSx unit for each participant to use as well as a laptop computer. The daylong workshop uses both classroom and field instruction. The skills learned can be applied to a GPS handheld you may have purchased. The workshop will provide the basics of using a GPS receiver, as well as: marking waypoints, creating routes, entering and finding coordinates, determining acreage of a site, incorporating coordinates into timber sale bids, locating roads, stream crossings, points of interest, downloading and uploading data to a computer (laptops provided), computer software options, and comparing different GPS handheld units.

A second one-day workshop is being offered on the use of Terrain Navigator (TN) software that provides USGS topographic maps on CD-ROM and allows you to create GPS waypoints, routes and tracks and transfer them to a GPS unit or to download GPS information taken in the field and then create an individualized computer map of the area you are working. This is very useful for natural resource professionals and landowners as well.

Workshops run from 9 a.m. to 3:30 p.m. and the cost is \$55. A GPS unit and laptop is provided. Workshops are being offered at the following locations. For more details go to: www.naturalresources.umd.edu/GPS.cfm.

Western Maryland Research & Education Center, 18330 Keedysville Road, Keedysville, MD 21756. 301-432-2767 x315. Contact Pam Thomas (pthomas@umd.edu).

- October 21 – Beginner GPS Training
- October 22 – Beginner GPS Training
- October 23 – Terrain Navigator and GPS: An Affordable, Easy-to-Use System

Wye Research & Education Center, 124 Wye Narrows Drive, Queenstown, MD 21658. 410-827-8056. Contact Carol Taylor (carolt@umd.edu).

- November 4 – Beginner GPS Training
- November 6 – Terrain Navigator and GPS: An Affordable, Easy-to-Use System
- November 18 – Beginner GPS Training (Being held at University of Maryland Eastern Shore, Princess Anne, MD) ☒

Branching Out

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Mail—For hardcopy subscription, mail check or money order for \$10 per year, payable to University of Maryland to the address above. Send news items to (ndawson@umd.edu) or call 410-827-8056 x125.

Equal Opportunity Programs

LEADERSHIP DEVELOPMENT PROGRAM SEEKS FELLOWSHIP APPLICATIONS



The LEAD Maryland Foundation, Inc. (LEAD), the program devoted to developing leaders to work on agricultural and natural resources issues and in rural communities of Maryland, is accepting

applications for the next class of LEAD Fellows. LEAD Maryland classes are made up of 20-25 Fellows in each two-year program. Through the program, the participants increase their skills, confidence and knowledge for the benefit of their industries and the communities in which they live and work. To date, 114 Fellows have completed the program.

"I've participated in numerous leadership development programs but none hold a candle to the LEAD Maryland program in terms of caliber of the overall experience and its lasting influence." —Dan Rider, Class IV Fellow (2005-2006)

LEAD seeks applicants who are farmers, growers, producers and foresters, and applicants who are involved with related activities through business, government, education, or volunteer ventures. During 2009 and 2010, the LEAD Class VI will complete a series of multi-day seminars, a study tour in Washington, D.C., and participate in an international study tour.

Completed applications and required references are due by October 1, 2008. Applications are available through the web site: www.leadmaryland.org. For more information regarding the LEAD Maryland Foundation and application process, please contact Susan Harrison, executive director, 410-827-8056 ext 136, or leadmd@umd.edu. ☒

FALL PROGRAMS PROVIDED BY UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION

- * GPS
- * Maryland Woodland Stewards
- * Woods in Your Backyard

www.naturalresources.umd.edu



STORM DAMAGE TO FORESTS

One subject making headlines in Maryland this summer is weather. There have been reports of hail, high winds, torrential downpours, flooding, and even tornadoes across the state. Communities are pulling together to clean up and recover. On the forestry front, many woodland owners have lost trees or are left with damaged trees. Can these trees be salvaged? Advice is available to you. But before you begin the process of recovery, do your homework. Use the following resources to plan a recovery process that is above all **SAFE**, and one that is best suited to your forest management plan.

Managing Storm-Damaged Woodland

- Branching Out Article—Fall 2004
www.naturalresources.umd.edu/BranchingOut/2004Fall.cfm#managing

Storm Recovery Kit

- The National Arbor Day Foundation 402-474-5655
www.arboday.org/media/stormrecovery/index.cfm

Aerial Photos (Assess the Damage)

- United States Department of Agriculture
Farm Service Agency
Aerial Photography Field Office
301-844-2922
www.fsa.usda.gov
- National Geologic Map Database
<http://ngmdb.usgs.gov>

Professional Resources

- Contact the DNR Forest Service for Consulting Foresters, FCA Service Providers, Forest Product Operators, and Licensed Tree Experts
www.dnr.state.md.us/forests



LAST CHANCE! MARYLAND WOODLAND STEWARDS APPLICATION DEADLINE EXTENDED

The annual training workshop for the Maryland Woodland Stewards project (formerly the Coverts Project) is being held on October 9, 10, 11 and 12, 2008 at Camp Pecometh in Centreville, MD.

*University of Maryland Cooperative Extension has extended the application deadline to **July 25th**.*

The all-inclusive cost for the training is only \$95. If you are interested in attending the training workshop, or know someone you would like to nominate for the program, please contact Nevin Dawson at 410-827-8056 ext. 125 or by email at: ndawson@umd.edu

What is the Maryland Woodland Stewards project?

The Maryland Woodland Stewards Project is an educational program of the University of Maryland Cooperative Extension and the National Wild

Turkey Federation. It teaches sound forest and wildlife management practices and in return, participants apply these principles to their own property and actively encourage others to practice good forest stewardship using the concepts "education through demonstration" and "neighbor helping neighbor."

"We have been in the program for several years and have helped several people with forestry projects. There are members of our church who became interested in backyard wildlife refuge through suggestions I gave them ... Our farm entrance has a project sign posted under our farm sign that advertises our neighbor policy to help others become aware of the importance of forest management."

- Bob and Betty Higgs, Maryland Woodland Stewards since 2000

All program information, applications, and other materials are available online at: www.naturalresources.umd.edu ☒



WEB RESOURCES

Online Forestry Seminars Available Monthly
www.ForestConnect.info

ForestConnect Forestry Internet Seminar Series is provided by Cornell University Cooperative Extension. Each seminar provides unbiased, research-based information to forest owners and all who are interested in private forestland management.

Seminars are broadcast live on the third Wednesday of each month at noon and 7 p.m., EST. Each seminar runs approximately one hour and seminars are saved for viewing at any time. There is no charge for participation but pre-registration is required. The one time setup takes minutes and there is no cost for the required downloadable software. Upcoming topics include: Introduction to the Ecology and Identification of Common Northeastern Hardwoods, Creating Wildlife Habitat in Your Woodlot, Impacts of Deer on Hardwood Forests, and Deer Management that Controls Deer Population. For more instructions and to register, visit the website address above. ☒

ONLINE: INDEPENDENT HUNTER EDUCATION PROGRAM
www.dnr.state.md.us/nrp/education/

Don't wait until hunting season to take a course... it will be too late! The Department of Natural Resources offers official online hunter education for potential hunters ages 14 and up. At completion of the internet-based program, the student passes a test and receives a voucher to attend a Maryland Hunter Education Field Day (20 Field Days scheduled this fall throughout the state). Satisfactory completion of the Field Day certifies students for the purchase of a hunting license in Maryland or any other state in the country. ☒

UPCOMING EVENTS	
Date / Time	Event Details
8/6/08 10:00 am - 12:00 pm	Forest Tax Update: Meeting and Webinar—USDA Forest Service For more information and registration, go to: www.timbertax.org See Homepage Section, "New Developments: Timber Tax Update Session"
9/12/08 (tentative)	5th Annual Eastern Regional Tree Farm Meeting Senator Stolzfus Tree Farm. Details forthcoming.
9/10 /08 - 9/11/08	AFF Market-Based Conservation Incentives Workshop; Ellicott City, MD For more information and to register, go to: www.affoundation.org (click news/events)
9/25 and 10/2/08 6:30 pm	Woods In Your Backyard Workshop, Washington County Ag Center, Boonsboro, MD For more information, go to: www.naturalresources.umd.edu/Backyard.cfm
10/9/08 - 10/12/08	Maryland Woodland Stewards Training Camp Pecometh, Centreville, MD. Please see complete details, page 3 or go to: www.naturalresources.umd.edu/mws.cfm
10/16/08 - 10/18/08	2008 National Tree Farmer Convention, to be held in Portland, Oregon Hilton Portland & Executive Tower Hotel For more information, go to: www.treefarmssystem.org/cms/pages/73_1.html
October and November, 2008	Various GPS Workshops: Please see complete schedule page 2 or go to: http://www.naturalresources.umd.edu/GPS.cfm
10/31/08 - 11/1/08 8:00 am - 4:00 pm	2008 Maryland Forest Association Annual Conference—Renewable Energy and the Role of Forests and Forestry Loews Annapolis Hotel—Annapolis Historic District For more information, go to: http://faa.umd.edu/mfa/AM2008.htm
11/11/08	Landscapes and Backyard Woodlots—Business Opportunities for the Green Industry. For more information, see Events at www.naturalresources.umd.edu

INFO CHIPS

EAB—UPDATES CONTINUE

Photo by: David Cappaert, Michigan State University
 (www.forestryimages.org)



Virginia

Posted July 9, 2008—
Emerald ash borer infestation found in Fairfax County.
www.fairfaxcounty.gov

Maryland

Posted May and June, 2008—Emerald Ash Borer

Eradication Update: MD Dept. of Agriculture's website:

www.mda.state.md.us (select "Plants/Pests" from menu on top, "Emerging Invasive Plant Pests" from menu on left and then select "EAB").

Learn more about EAB Awareness Week, held May 18-24, 2008: "Stop the spread of the beetle! Don't take firewood on vacation, buy it at your destination!"

www.mda.state.md.us/article.php?i=11520

Tree Fungus Officially Named

Posted June 30, 2008: A tree fungus responsible for killing rebay and other trees in the coastal plains of northeastern Florida, Georgia and South Carolina have been officially named *Raffaelea Lauricola*. The fungus is carried by ambrosia beetles that carry it from tree to tree. Complete story at: www.srs.fs.usda.gov/news/337

Online Professional Development for Science Teachers and NR Specialists

August and September online courses—Rainforests and Coral Reefs, Trees of the Midwest, Field Methods in Ecological Research. For more information, visit University of Wisconsin-Madison: www.wisc.edu/wistep/2008courses.html

Delmarva Farmer Newspaper and Maryland 4-H are Teaming Up

Subscribe to *The Delmarva Farmer* and \$5.00 will go directly to Maryland 4-H! To subscribe, call Megan in circulation at *The Delmarva Farmer*—410-822-3366. Don't forget to mention Maryland 4-H.

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