



Wildlife Trends

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Earl Says...

I'm always amazed at how smart my authors make me look. For years good folks who write for us such as Dave Edwards, Ted DeVos, Ryan Shurette and countless others have preached on how important is to soil test and lime your food plots. Well, as I wrote a few issues ago, I finally convinced the other members of my hunting club that we needed to check our green fields and get the pH in check. We had them done back in the early summer and all our fields are not only beautiful but the deer seem to be staying longer and enjoying them more than ever! I love it when a plan comes together.

And speaking of planting, I hope you all enjoy the article in this issue by Allen Deese with The Wildlife Group. Allen reminds us about how to get the most out of our fruit tree investments. It's tree planting time so why spend all the time, money and effort on planting trees if you don't do it right. Last issue we told you the story about Babe Winkelman and how he learned the hard way how to improve his property by planting the right trees and how to care for them.

And now that deer season has wound down for most of us it's time again to get ready for warmer weather fishing and turkey season. This winter weather is wearing me out so I say, come on spring! Gobble, gobble.



Andy Whitaker
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Cover photo by Scott Brown

Wild Turkey Conservation Trends

By Ryan Shurette

G. Ryan Shurette is a Certified Wildlife Biologist.



The Eastern is the most hunted turkey subspecies in the country. Photo credit: Gay Lynn Adams

If you meet one of us “addicts” in passing on any given afternoon in late April, you will quickly recognize the symptoms; sleepy bloodshot eyes, disheveled hair, wrinkled work clothes, and the various other signs of stress that obviously come from trying to squeeze in daily responsibilities to our bosses, wives, and clients, while living strung out for weeks on end, each and every spring. The drug responsible for our pitiful condition is not a powder, liquid, or substance that is smoked, but a sound; the thrilling, haunting, and perfectly wonderful sound of a wild gobbler drumming in the spring turkey woods. When it comes to pursuing these creatures, I often hear people warning, “If you haven’t tried it, don’t start it.” Probably good advice for some folks, but I honestly cannot imagine letting all those beautiful still early mornings unfold without being out there to witness the awakening of the world; inhaling the cool fresh air, anticipating that magical two or three seconds following every cawing crow, hooting barred owl, or

laughing pileated woodpecker.

Indeed, turkey hunting is now a passion and a lifestyle for millions of folks across the country. However, it hasn't always been that way. It was really not that long ago when turkeys were rare across much of the nation. In fact, around the 1930's the species was even facing extinction. Fortunately however, just like the white-tailed deer, the wild turkey was brought back from the brink of extirpation and is now flourishing across the country. In this article we will examine the biology, range, and recent population trends of each of the subspecies of wild turkey in the U.S., and give insights to the significance of this bird with regards to recreational hunting. Before we dive into the story of the North American birds however, let's contrast this success story with that of a similar, but separate, species to our south.

The Other Turkey

As you may know, turkeys are not unique to North America. There are actually two species of turkey in the world, our North American wild turkey (*Meleagris gallopavo*), and the ocellated turkey (*Meleagris ocellata*) of the tropics. The ocellated is native to the Yucatan region of southeastern Mexico, and the northern portions of Guatemala and Belize. This colorful species is significantly smaller, on average, than any of our races, with males averaging from 12 to 14 pounds, and females averaging 6 or 7 pounds. Wing feathers of the ocellated have more white and bronze coloration than North American birds, and the body plumage is generally much more iridescent and is more reflective of hues in the green and bronze ranges. Both sexes have tail feathers of bluish gray, bronze, and gold, that resemble those of a peacock. At the distal end of each tail feather is a bi-colored iridescent spot that resembles an ocellus, a term used to describe small light gathering organs on the heads of some insects and other arthropods. In Latin, this term means "little

eye". From these ocelli, the name of the bird was derived. Ocellated turkeys have no beards but they do have long spurs; much longer on average than our wild turkeys. The male's song is somewhat gobble-like but is at the same time very different from that heard in our birds. Gobbling (singing) typically begins in late February and peaks in March, about the same time the hens start laying their clutch of about a dozen eggs. General diet and biology is similar to that of the northern species, although the habitats in which the ocellated occurs is quite different and ranges from arid savannahs to old growth rain forests.

The entire current ocellated population is thought to be less than 50,000 individual birds. Since the ocellated has a relatively small native range (about the same size as the state of Mississippi), the species is much more susceptible to population decline than the North American wild turkey. In fact, that is what is happening in many parts of its range. Ocellated ecology is not nearly as well understood as northern wild turkeys but the biggest factors that appear to be contributing to the decline over the past couple of decades are uncontrolled market hunting and widespread habitat manipulation. Although the sport hunting pressures for the birds

are minimal, the local people do harvest a lot of ocellated turkeys each year, especially during the breeding season. They are often eaten by the locals but are also commercially sold to restaurants and markets. Conversion of mature forest habitats is also appearing to have a negative effect on populations. This trend is a bit different than with timber operations of the southeast U.S., for example, where some turkey habitats can be maintained throughout the process of reforestation. Once large tracts of tropical forests there are logged, they are typically farmed for only a short while (due to the thin soils) and then the highly erodible land often transitions into a dense tangle of low vegetation that is largely unusable by the turkeys. These conditions often persist in the degraded state for several decades. The politics of game conservation is much different in that part of the world and although organizations like the National Wild Turkey Federation (NWTf) and others have tried to lobby for sustainable management, multiple challenges obviously exist.

North American Wild Turkeys

The threats the ocellated turkey faces today are very similar to those our wild turkeys experienced in the early 1900s.



The ocellated turkey is native to the Yucatan region of southeastern Mexico, and the northern portions of Guatemala and Belize. Photo credit: Bruno Girin, Wikimedia Commons



Wild turkeys were extirpated from much of their original range by the mid-1930's . In areas where habitats had been restored to adequate conditions, re-stocking efforts began. Photo credit: Nebraska Game and Parks Commission

Widespread habitat manipulation and unregulated subsistence hunting, especially in the eastern U.S., were the major contributing factors to the drastic population decline. Wild turkeys were extirpated from much of their original range by the mid-1930's, when the Virginia Cooperative Wildlife Research Unit started an effort to bring the birds back in the East. Soon other states joined in

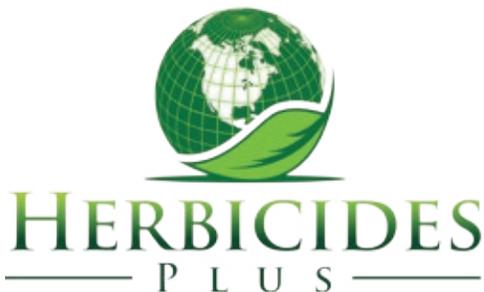
the effort, but wild turkey knowledge and research was limited at the time and it took a while to get things on track. In areas where habitats had been restored to adequate conditions, re-stocking began. Initially, re-stocking efforts used pen-reared turkeys. However, just as we often see in pen-raised quail, survival in those captive brooded turkeys was very low. This is because although some behaviors

of birds in the phasianidae family are instinctive, many important behaviors (including several of those involving feeding and predator evasion) are acquired and honed during wild brooding. The released turkeys were not equipped with the skills they needed to survive, simply because they had not learned them from a wild adult when they were poults. This problem went on for years while researchers scratched their heads. Finally the pieces of the puzzle fell into place and the answer to the problem came in the form of the cannon net. This device uses explosive-propelled weights attached to a large net, making it possible to capture entire wild flocks of turkeys. The cannon net trapping and translocation of wild-reared birds was a huge success and has been used over the past sixty years to repatriate wild turkeys to huntable population levels in every one of the lower 48 states, and even into Hawaii where the species is not native. In the past 25 years alone, over 12,000 wild turkeys have been moved to establish new populations in uninhabited areas. Today, it is estimated that there are



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over 6.5 million North American wild turkeys. Prior to European colonization the population may have been as high as 10 million birds.

The Eastern Race

The most widespread of the North American wild turkey subspecies is of course the Eastern wild turkey (*M. gallopavo silvestris*). The Latin name translates to “Forest turkey”. Its population is currently up to around 5.2 million individuals. This race is obviously native to the eastern half of the country and ranges from the northern half of Florida, north into southern portions of Canada. It has also been established outside the native range in pockets of California, Oregon, and Washington, although some biologists have warned of the potential ecological consequences of the introduction of turkey subspecies into areas where they did not naturally occur. This is because hybridization and “genetic trumping” can sometimes alter the native genetics of a local population over time.

The Eastern is one of the larger wild turkey subspecies, with toms ranging from 16 to 23 pounds or more, and hens averaging from about 8 to 13 pounds. Other distinguishing characteristics of the race include dark chestnut tail feathers with a broad black band and narrow brown band at the tip. Breast feathers of gobblers have black tips while breast feathers of hens are tipped with brown. Easterns are generalists and can make a living in farmlands, hardwood bottoms, swamps, and thinned pine plantations. Nesting generally occurs in thick herbaceous or brushy vegetation. Examples of common Eastern wild turkey nesting habitats include cutover timber stands, bluestem grass-dominated understories, overgrown food plots or agricultural fields, scrubby utility rights of way, or shrubby undergrowth in regenerating forests or plantations. An average of 10 to 12 eggs are laid over a period of a couple weeks before the hen begins incubation, which generally takes another four

weeks. Like quail, the Eastern wild turkey and the rest of the subspecies are precocial, and are quickly out of the nest and following the hen on which they have imprinted. By the age of two weeks they are beginning to test their wings and can usually begin roosting in trees by the end of the third week. The first significant molt replaces juvenile plumage soon thereafter and by six weeks poults have the ability to effectively evade predators. Food items of Easterns vary, of course, depending on the local habitats they occupy, but their diet commonly includes insects and other arthropods, acorns, beechnuts and other hard mast, seeds, berries, various green plant materials, agricultural grains, and even small reptiles. Contrary to popular belief, limiting factors in most of the Eastern’s range are not typically related to winter forage or mast availability, but are more often quality nesting and brood-rearing (weedy, early successional) habitats like the open herbaceous understory of a frequently burned pine stand or the native grass suc-

cession of an old-field for example.

The Eastern is the most hunted turkey in the country. In my opinion, in some locations (namely public land in the Southeast) they are also the smartest. Hunters spend over 300 million dollars per year pursuing eastern wild turkeys, providing a significant source of revenue for many rural areas. Upwards of 25 million dollars can be generated annually in states with abundant turkey populations, and fortunately that list of states is growing long. It is difficult to accurately estimate turkey populations of individual states. Populations can change drastically due to factors such as predator densities, food availability, or weather conditions (especially in the spring) in a given year, or over a number of years. Warm, dry springs generally increase the likelihood of a high reproduction year and resulting population increases. The state of Missouri was thought to be home to as many as a million Eastern birds in the 80’s. However, due to a balancing event from a combined force of disease, preda-



The Rio Grande (top left) subspecies differs from the Eastern (top right) and Osceola (bottom right) in that they have buff-colored edges on the tail coverts and tail feathers. Merriam’s subspecies (bottom left) have broad creamy-white edges on the tail coverts and tail feathers. Photos: R. Shurette

tion and habitat limitations, populations leveled off to a more sustainable number of around 600 thousand in the years thereafter. From 2001 through 2009, poor hatch years reduced populations across several regions of the state and only in the last three or four years have turkey populations increased in the state of Missouri. In the fall of 2010, the estimated population was just over 500 thousand. During the 2012 season in Missouri, the total number of spring turkey hunters was 138,372. Total number of harvested turkeys was 44,766 for that spring in the “Show Me” state.

Alabama boasts a similarly high population of Eastern wild turkeys with a recent population estimate of also around 500 thousand. That means the state of Alabama averages more than 9 turkeys per square mile. Harvest numbers for Alabama average around 60 thousand turkeys annually. Other states with high concentrations of Eastern turkeys include Tennessee, Pennsylvania, Kentucky, Vermont, and Georgia, with densities ranging from about 5 to 7.5 turkeys per square mile.

Florida Wild Turkeys

The Osceola wild turkey (*M. gallopavo osceola*) is found only in peninsular Florida, roughly those areas south of Gainesville. Geographically, and more specifically, the Florida Fish and Wildlife Conservation Commission recognizes only the turkeys “within or south of the counties of Dixie, Gilchrist, Alachua, Union, Bradford, Clay and Duval,” to be of the Osceola subspecies. The Osceola was named after the famous Seminole Indian chief-tain in the late 1800’s. This race is most similar to the Eastern but is generally smaller and darker in appearance. Wing feathers are also darker and have significantly less white barring than in other races. Toms also have on average slightly longer spurs than the others. Osceolas typically inhabit palmetto scrubs, pine flatwoods, oak hammocks, and cypress swamps. They’re no stranger to having wet feet and I have chased many of them as they gobbled through the sopping, humid palm-cypress swamps of south Florida, where finding any dry part of a friction call on which to scratch was hopeless. Osceolas, like

the Eastern race in pressured situations, are not dumb and are also usually a challenge, especially when hunting them on public lands. Gobbling sometimes begins in late January for Osceolas in the southern portions of the state, where the spring season usually opens the first week of March, earlier than any other region.

The current population of the Florida subspecies is estimated at 80 to 100 thousand wild birds. The 2012 spring-harvest total reported for all turkeys in the state of Florida was just over 21,000 birds but it is likely that half or more of these were Easterns. The Florida race is highly sought-after since the availability and geographic range of these birds is relatively limited, and prices for private hunting leases and guided trips have increased significantly over the past decade.

Great Plains Rios

The Rio Grande wild turkey (*M. gallopavo intermedia*) is native to the dry brushy central plains regions of the U.S. and northeastern portions of Mexico. Most are found in the states of Texas, Oklahoma, and western Kansas. This race is similar in appearance to the Eastern but it is typically a little smaller and has much longer legs for its size and large thick toes. Rios also differ from the Eastern and Osceola in that they have buff-colored edges on the tail coverts and tail feathers. This subspecies is adapted to life in arid environments and common habitats include prickly pear-mesquite scrublands, pine-oak scrub, improved rangelands, and prairie edges. Roosting trees are sometimes limited in these regions and Rios are commonly found using the tallest trees available, which often are found in riparian areas and are less than 40 feet. The race has a varied diet and studies in the Rolling Plains region of Texas indicated preference for the following food items: animal matter (including insects and small reptiles), little barley, bristle-grass, hackberry, Texas cupgrass, milk vetch, croton, skunkbush, littleleaf



Many of the nation's one million Rio Grande turkeys reside in the south and central portions of Texas, where turkey densities can easily exceed 20 birds per square mile. The Texas Hill Country (Bandera County) is shown here. Photo credit: Zereshk, Wikimedia Commons

sumac, prickly pear, squirreltail grass, white beggarticks, grama, panic grass, and wild mercury to name a few. Water is also a common limiting factor in many parts of the Rio's range and construction of guzzlers or ponds is sometimes used in their management.

The current population of Rio Grande wild turkeys in the U.S. is estimated at just over one million birds, but this number can vary from year to year with weather conditions and other factors. Many of these turkeys reside in the south and central portions of Texas, where turkey densities can easily exceed 20 birds per square mile. Rios behave much differently than the Eastern and Osceola races and in some areas they seem to be easier to outwit, but not always. Although it is a sin among purists, "bushwhacking" is sometimes used in hunting Rios since most of the areas where they occur have no baiting restrictions. Rios have a habit of gobbling often in the evening, especially on the roost; a tendency that also often gets them killed.

Merriam's Wild Turkeys

The mountains and ponderosa pine-dominated ecosystems of the western U.S. is where one would find the Merriam's subspecies (*M. gallopavo merriami*). The native regions are believed to be portions of Arizona, Colorado, and New Mexico, but it (like the Eastern and Rio) has been introduced into other parts of the country, including Utah, Wyoming, Nebraska, the Dakotas, as well as the Rockies and Pacific Northwest. Merriam's appear blacker than Easterns and Rios, and have broad creamy-white edges on the tail coverts and tail feathers. Since this species lives primarily in mountainous regions, it often seasonally migrates to lower elevations in winter and moves back to higher altitudes during warmer months. The Merriam's subspecies seems to be more sensitive to habitat manipulation than are eastern races. Studies have shown that overgrazing and wide scale timber harvest can negatively impact populations in ponderosa pine-Gambel oak forests. The current

Merriam's population is about 330 to 350 thousand birds. Merriam's behavior is similar to that of the Rio Grande subspecies, and during the spring, Merriam's toms also frequently gobble during the evening hours.

The Gould's

The Gould's (*M. gallopavo mexicana*) is found only in southeastern Arizona and southwestern New Mexico in the U.S., and southward down through the Sierra Madre Occidental mountains and central valleys of western Mexico. Their habitats are generally found from 5000 to 9000 feet in elevation, and are often steep and rocky. The Gould's is the largest race of wild turkey and is similar in appearance to the Merriam's, but with longer legs. Less than a thousand birds are estimated to inhabit the U.S., but in Mexico they are locally abundant. No population data could be found for the Gould's that are residents of Old Mexico, but the highest densities are reported to be in the upper elevations of Chihuahua, in oak-conifer habitats. Since they are so



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The Gould's subspecies is found only in southeastern Arizona and southwestern New Mexico in the U.S., and southward down through the Sierra Madre Occidental mountains and central valleys of western Mexico. Photo Credit: Global Sporting Safaris, Inc. and www.GSSafaris.com

scarce in the U.S., only a handful of hunts are offered for Gould's wild turkeys within the states of Arizona and New Mexico. However, Gould's hunts are available south of the border for hunters pursuing a Royal or World Slam.

Ancestor of the Domestic Turkey?

Although it is not common knowl-

edge, there is actually a sixth subspecies of North American wild turkey. Little is known about the South Mexican wild turkey (*M. gallopavo gallopavo*), which once occupied large portions of southern Mexico. The Aztecs and other indigenous tribes domesticated this race of turkey and used it for food and trade. After that it was sailed across the Atlantic by

Spanish conquistadors in the 16th Century. Until recently this subspecies was thought to be the sole genetic ancestor of the domestic turkey which is now found in the poultry industry all over the world. Fossil DNA studies by Speller, et. al. (2010) however, suggest that turkeys were actually domesticated twice; once in southern Mexico and again in the southwestern U.S. (likely Rio Grande or Eastern) sometime in the past. The South Mexican race is considered to be extinct in the wild today, although there may be remnant populations that still exist in the wilds of southern Mexico.

Summary

The comeback of the North American wild turkey is one of the most successful conservation efforts in the history of the nation. Through wide scale habitat management and improvement, harvest regulations, and re-stocking programs, all five of the extant subspecies have enjoyed increasing or secure populations over the past few decades in the U.S. Thanks to



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local, state, and federal agencies, conservation groups like the NWTf, and the millions of hunters who love and pursue this bird, the species' future appears bright. Hopefully the conservation efforts, research, and lessons we have learned in the process can support the conservation and management of the ocellated turkey in Central America.

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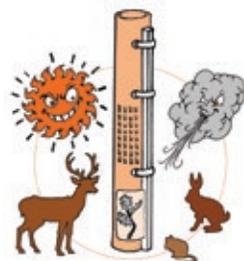
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Eminent Domain – Can It Affect You?

By Hayes Brown

Hayes D. Brown is an attorney who practices law in Birmingham, Alabama. He has a B.S. Degree in Forestry from Auburn University and a law degree from Cumberland Law School where he was an associate editor of the American Journal of Trial Advocacy. He is the General Counsel of the Alabama Forest Owner's Association. He serves on the Board of Directors of Forest Landowners Association headquartered in Atlanta, Georgia. He is also the Chair of the Forest History Society located in Durham, North Carolina. He just completed a chapter on the legal climate for forest landowners in a book called "Managing Forests on Private Lands in Alabama and the Southeast." Currently he hosts a monthly internet broadcast called "Capital Ideas Live" where he interviews a number of experts on various forestry topics.



In his book “*Little Pink House: A True Story of Defiance and Courage*”, author Jeff Benedict tells the story of one woman who had the audacity to take on a powerful government.

“Suzette Kelo was just trying to rebuild her life when she purchased a falling down Victorian house perched on the waterfront in New London, CT. The house wasn’t particularly fancy, but with lots of hard work Suzette was able to turn it into a home that was important to her, a home that represented her new found independence.

Little did she know that the City of New London, desperate to revive its flailing economy, wanted to raze her house and the others like it that sat along the waterfront in order to win a lucrative Pfizer pharmaceutical contract that would bring new business into the city. Kelo and fourteen neighbors flat out refused to sell, so the city decided to exercise its power of eminent domain to condemn their homes,

launching one of the most extraordinary legal cases of our time, a case that ultimately reached the United States Supreme Court.”

Hunters and outdoorsmen have a similarly deep connection to the land. For their land to be involuntarily taken is a great offense, even if compensation is paid. This article explores the limits of Constitutional authority when land is taken by governmental entities.

Eminent Domain is the inherent right of the government to take private property for public use or benefit. The term was coined by the Dutch legal scholar and philosopher Hugo Grotius in 1625 and was implicitly recognized as a right of government in the 5th amendment to the U.S. Constitution. Remember that the Bill of Rights limits the power of government. This Amendment limited the taking to matters of public use, and also required just compensation. So, even the founding fathers recognized that this process was a necessary function of government.

Eminent domain is reserved for situations in which there will be public purpose, rather than a private purpose. However, over time the concept of public use has been transformed into that of public benefit.

TYPES OF EMINENT DOMAIN CASES

A straight forward condemnation of an entire property is perhaps the most simple exercise of a taking. However, when only a portion of the property is taken, the property must be valued both before and after the taking to determine the loss. A further variation is the taking of some, but not all, of the rights associated with the property, for example the right to build a building on the property. For some properties, the owner may consider this paramount to a total taking. As these situations become more nuanced, the better approach would be to avoid arguing there is a partial taking of the whole. Instead, one would have a better outcome arguing a

total taking of a part.

More controversial are instances where the government plans on taking the property in order to redevelop it and possibly sell it to a developer. 210 years after Lewis and Clark’s expedition opened up new land, it is ironic to see government convey to private citizens only to retake the property and then reconvey it to a different citizen. In *Kelo v. New London* (2005), the City of New London, Connecticut used eminent domain to acquire private homes for a redevelopment project which would include private offices and parking. The owner claimed that no public use was involved, and of course he was right. But he also argued there was no public benefit. The U.S. Supreme court,

in a closely watched decision, ruled that when the government presents a comprehensive development plan that has a public benefit, and is not just pretextual, the courts should use a “rational basis” like test to determine if the public benefits of the taking satisfied the public use requirements of the Constitution. This means the government usually wins.

The terms “eminent domain” and “condemnation” are sometimes confused. However, condemnation is the process the government uses to take the property and to pay just compensation. It also affords the private citizen the opportunity to demonstrate that there is no public use or benefit to be derived.

While condemnation usually refers to



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takings by federal, state or local governments, these rights usually reserved to government entities have been delegated by properly enacted statutes to entities such as utility companies, universities and even railroads. In fact, condemnation processes are sometimes used by private individuals to remedy landlocked parcels.

PREREQUISITES FOR CONDEMNATION

While each state has its own method for condemnation, this article will focus on the procedures for Alabama. Be sure and contact your attorney for specific advice in your situation. The process usually begins with a letter from a condemning authority requesting permission to survey the area for possible condemnation. By this time, the project is well underway and budgets are being set.

Next, an offer is made in writing from the condemning authority with a specific description of what is being taken. For power lines, gas lines and new roadways, this usually is described as a centerline with distances on either side, for example "50 feet on either side of a centerline described as follows..." In the case of power lines, permanent structures cannot be placed within this area, but allowances are usually made to plant under power lines and drive across this area. One cannot interfere with the utility structure located within the right of way. The description of the land to be condemned describes the right of way that will be cleared of brush and debris, but that is not the end of the taking.

The condemning authority must make a reasonable attempt to determine the value of the taking, offer to purchase the interest in the property and also deal with any uneconomic remnant. Some states such as Alabama allow the landowner to be given a reasonable opportunity to accompany the appraiser. In cases where the taking renders another part of the property an "uneconomic remnant", the condemning authority must also offer to purchase that remnant.

OTHER RIGHTS CONDEMNED

Included in the text of a utility right of way is also the right to remove danger trees. These are trees outside the original right of way that, should they fall, would come within a certain number of feet from a conductor (power line). This danger tree area is difficult to define because it changes over time. This area partially depends on the height of the conductor because the conductors are not level. They sag between towers, so they are not at a uniform height. Because this area is determined by tree height, it also depends on the age of the tree and site conditions, so there is not a single width for this zone. These areas may be used for growing

trees, but when a tree becomes too tall, the utility company has the right to cut an individual tree. For this reason saw-log timber production in these areas is unlikely. Depending on the site, this area may be wider than one side of the original right of way.

Also, there is an intangible taking with the right of the utility company to maintain the right of way. Be sure to define whether the right of way comes with the right to enter your property at certain points to access the right of way. If so, the utility company will use these access points whenever they perform maintenance which could coincide with your other activities.

FILING OF A CONDEMNATION CASE

If no agreement is reached at that stage, a complaint for condemnation is filed in the Probate Court in the county where the land is located. A hearing is set within 30 days but is often rescheduled to give the defendant time to retain counsel. A map must be attached to the complaint to accurately show the area to be condemned. The interest owned by each defendant must be identified. A *lis pendens* is filed at the time the complaint is filed which is a notification to a potential purchaser that a lawsuit exists which could affect title to the property.

A property owner may avoid the necessity to participate in the suit if he files a disclaimer. This notifies the Court that he claims no interest in the property and is entitled to no compensation and therefore the suit may proceed without him.

INITIAL DETERMINATION

Condemnation is usually carried out in two parts. The first part is to determine whether the complaint is valid and the condemning authority has shown a public benefit. There is no jury trial in a condemnation action while in Probate Court. The case begins with the condemning authority giving its basis for the taking.

A preliminary objection may be raised for issues such as the right to take and for procedural deficiencies. The property owner bears the burden of proof in such instances. The landowner may present his reasons for objecting such as there is no public benefit. The Court has the authority to dismiss the action, or conditionally dismiss the action if the Plaintiff does not correct the deficiencies. If the defect is not reasonably excusable, litigation expenses may be awarded. If the condemning authority prevails, the court enters an Order of condemnation. Within 10 days of the condemnation Order, the Probate





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Court appoints three commissioners to assist in determining value.

VALUATION DETERMINATION

The next step is usually a separate hearing to determine value. Neither party has the burden of proof in determining value. Value is first determined in the Probate Court by commissioners appointed by the Court who are required to be citizens of that county, possess the qualifications of a juror and not have any interest in the property. These commissioners are allowed to visit the property and separately determine its valuation. They will hold a hearing to receive any evidence presented by the parties. Thereafter, they will report within 20 days of their appointment. Within 7 days of their report, the Probate Court will make a determination as to value.

The determination of value is the difference between the fair market value of the land before the taking minus the fair market value after the taking. Except for public roads, water or sewer lines, any increase in value because of the taking may not be considered. Valuation is determined as of the date of the condemnation Order.

In other types of litigation, the report of an expert witness is usually discoverable. However, in condemnation cases in Alabama, applicable statutes prohibit

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disclosure of either parties' valuation of the property. The private party usually has the original offer, but the testimony at trial by the condemning authority's expert may be entirely different. Likewise, the private landowner's expert may testify without prior disclosure of his valuation opinion.

When an award is made, the condemning authority must pay the award within 90 days unless there is an appeal to Circuit Court, in which case it must pay the award within 60 days of the final disposition on appeal.

There is a right to appeal the Probate Court determination to Circuit Court which must be made within 30 days and where a jury demand may be made. This is a new trial and does not depend on the outcome of the hearing in Probate Court. Parties may offer additional testimony or different witnesses. After a final determination in Circuit Court, there may be an appeal to the Court of Civil Appeals or the State Supreme Court, depending on the amount of the award.

USE OF CONDEMNATION BY PRIVATE PARTIES

Interestingly enough, a similar process is used by parties who have landlocked parcels. While no public use must be alleged, a party must show that he has no access to a public road.

The private condemnation case is first brought in Probate Court. The width of the right of way cannot exceed 30 feet, a width not typically sufficient for a public road. A difference of opinion exists whether this right includes the right to improve the road by adding utilities such as water and power.

The location of the private right of way must be to the nearest and most convenient public road. The route cannot cross a person's yard, garden, orchard, or outbuildings without his consent. The convenience of each landowner is considered and the party requesting the condemnation has the burden to prove he has no adequate



access to the public road.

Similarly, compensation is required and commissioners are appointed. There is a similar right of appeal and opportunity for a jury trial in private road condemnations.

CONCLUSION

Suzette Kelo lost her case. She lost her home and her neighborhood. But she won something almost as enduring:

the preservation of her values as a citizen. The city of New London spent 80 million dollars acquiring and demolishing the homes. However, the redevelopment project never became a reality. Pfizer, the main beneficiary pulled out of the New London project. Today the lots where the homes once stood remain vacant. Eminent Domain is a necessary part of government, but when it is misused the consequences are shameful.

Largemouth Bass – Biology, Management and How to Catch Them

By Scott Brown

Scott Brown has 30 years experience in researching and managing natural resources throughout the Southeast. Scott founded Southern Sportsman Aquatics & Land Management in 2007 and now has clients from Texas to Florida. Scott can be reached at scott@southernsportsmanaquatic-sandland.com or (214) 383-3223.



These fish were sampled from a highly fertile lake (green water) filled with bream, golden shiners and threadfin shad for largemouth bass forage.

No fish in the United States has been studied more than the largemouth bass. It is also documented as the most sought after fish species in the United States. Wanting the largest, fastest growing species in ponds and lakes has become common among lake owners, managers and even state agencies across the country and the world.

There are many species of bass lumped into the black bass category including the largemouth bass, smallmouth bass, shoal bass, redeye bass, Suwannee bass and additional less common species only located in isolated areas around the country. The sub species everyone wants to start with is the Florida strain of Largemouth bass (*Micropterus salmoides floridanus*), originally found in 1949 in the lower two-thirds of the state. Largemouth bass were discovered long before that date, but at that time it was discovered that those bass were genetically different than its north-

ern cousin which lives longer, has a more ravenous appetite, but does not get as large as the Florida largemouth bass. The Florida largemouth bass has been stocked in several states by state agencies and in other countries trying to get them established to provide the largest largemouth bass possible for anglers to target and catch. The current World Record largemouth bass according to the International Game Fish Records (IGFA) is two fish - 22 lbs 4 oz., caught in Montgomery Lake, Georgia near Jacksonville, Florida in 1932 and the other from Lake Biwa, Shiga, Japan in 2009. The Florida strain of largemouth bass has become so important to the Florida economy and its anglers that the state passed a law that only pure strain Florida bass can be stocked in certain parts of the state, reducing infringement of the Northern gene on the Florida bass. If your property is south and east of the Suwannee River in Florida, you have no choice

but to stock only pure strain Florida largemouth bass. It is now illegal to stock northern strain largemouth bass or any genetic cross between the two in that area described.

Pond and lake owners have choices as to which genetic strain of black bass they can stock and manage. Some are indigenous to that area, some are brought in from far away and others are genetically enhanced (a cross) that some managers and lake owners feel fits their management goals and objective needs. It is not my intention to promote one genetic strain over another, but help you make an informed decision that fits your particular situation.

The three most common species of largemouth bass to stock are Florida, Northern and a cross with a Northern male and Florida female. A few differences are the Florida can reach the biggest size, but has a shorter life expectancy than the Northern. The Northern lives longer, doesn't get as big as the

Florida, but does tend to feed more than the Florida making it more susceptible to catch. The cross was developed to obtain the best of both worlds where you have a bass with a ravenous appetite and grows exceptionally quick while being slightly easier to catch since it is always feeding. However, over time, the cross reverts back to more the Northern strain. This cross naturally occurs in areas where both genes are present such as North Florida and South Georgia. Where you have a mixing, there are Northern males and females, Florida males and females, and crosses of males and females with each parent combination. Maybe the World Record caught in southeast Georgia was a female with a Northern strain father and Florida strain mother, but more likely it was a pure strain Florida with lots of forage throughout its life.

There are many factors to consider prior to stocking your bass and which type should be placed in your lake.



This bass came from a typical lake being mismanaged for largemouth bass where no bass were being removed annually and the lake was full of fish this size and shape. Notice the excessively large head and the sunken belly. Definitely not enough forage present for bass this size.



This bass is being “tubed”, a technique used to empty the fish’s stomach without harming it. This is a useful technique to see what forage bass are consuming at different sizes.

First, can fish enter or escape your waterbody? If local fish can freely move back and forth, then stocking any other sub species other than what occupies the surrounding area may be a lost cause, as local fish will cross breed with stocked fish and eventually turn your population into whatever is in the area. If your waterbody is land locked and the genes stocked will remain uncontaminated by surrounding populations, some of the previously mentioned options may be possible. You may get either the Florida or the Florida/Northern cross, which has several names such as Tiger Bass and Gorilla Bass. Another consideration is forage availability. The Florida/Northern cross has been documented to grow fast like the Florida, but is always hungry like the Northern. If enough forage cannot be supplied supplementally through forage stocking or a naturally reproducing forage population, their growth rate will be far less than anticipated. How hard will you work at reducing bass numbers as prescribed by your Lake Manager or Biologist? If you foresee not enough time and effort being put forth to remove bass, then growth rates again will be disappointing from the cross or the Florida. Depending on where you are located, fish being shipped in from far away may cost much more than if purchased from a nearby local hatchery that probably uses bass stock from local waters. Where you are located may also dictate which option is best for you by the length of the growing season. Largemouth bass feeding slows down in winter. The longer the winter, the less growing the fish will do simply because they are not consuming large amounts of food during a longer time period compared to bass in warmer climates. How big is your waterbody? The expectation for the number of big bass that you can grow needs to be realistic for the size of your waterbody. Big bass consume lots of forage and the forage needs to fit the size of the predator. Ten pound bass do not reach those sizes consuming min-



This female is ready to bust with eggs, but she also had some fish in her stomach, eating her last meal before heading to “the hill” to spawn.

nows and small bream after they reach about three pounds. As the bass grow, larger forage needs to be available.

The largemouth bass life history is similar throughout the Southeast, but there are subtle differences as you move north. Life expectancy is a good example. While a 12 year old Florida largemouth bass is near the end of her life, another one in Maryland near 20 years of age is not uncommon. Spawning begins around 60°F and continues into the low 70's during the spring. I know from personal experience that around 68°F is peak spawning temperature in Florida, but is slightly cooler as you go north into Georgia. The male creates the nest in 3-8 feet of water (depending on habitat and water visibility), coaxing the female to lay her eggs. She will lay between 30,000 and 50,000 eggs and it has been documented some have produced 100,000 eggs. Once a female reaches approximately age six she will begin producing fewer eggs. After fertilization the male will remain on the

nest and guard it until the eggs hatch and stay with the school for a few days until they disperse. The question is always asked, “Does fishing beds hurt the population?” This depends on the number of large fish you have in the population and how frequently hooking mortality occurs. Once the bass hatch, cover becomes very important for largemouth bass survival from predation and where small organisms grow for young bass to consume. Females after age two grow faster than males and are the trophies. Males have been documented up to about five pounds, but most are small, under three pounds. Both males and females reach sexual maturity (start spawning) around two years old. They have been documented as young as one and as late as three years old to reach sexual maturity. The color of largemouth bass varies greatly depending on the type of water color where it lives. It ranges from a pail greenish yellow with no markings to almost black markings and dark green body.

Growth rates vary immensely from geographic areas and are dictated by genetics, forage and cover availability. The Florida strain of largemouth bass may take 8-10 years to become a double digit fish, while there are claims of the Florida/Northern cross reaching weights of four to six pounds in two years, but they may not or barely reach double digit weight before dying. The Northern largemouth bass can and do reach double digit size, but may take 15-17 years or more to reach that weight. Whatever the genetic makeup of your largemouth bass population, abundant forage and cover availability are required to grow big bass.

When stocking largemouth bass for the first time in a new or renovated lake (starting over), forage (the size required by the size bass being stocked) must be available. Some forage needs to be larger than the stocked bass can consume for repopulating the forage. On new waterbodies, we recommend stocking forage 6-12 months prior to bass stock-



Notice how large the forage is compared to the predator. Both are largemouth bass, but one was a little bigger and one a little slower than the other. Big bass need big forage!

ing. If stocking bluegill/bass, a rate of 750-1,000 bream/panfish per 100 bass per surface acre is recommended. If cost is a concern, 500 bream/panfish per 50 bass per acre can be stocked. Ideally, stocking bream/panfish in the fall and the largemouth bass the following late spring/early summer is best. In addition, some type of minnow (like fathead minnow) can be stocked six months prior so fingerling and juvenile bass have an abundance of food. Also, start feeding forage fish as soon as they are stocked to accelerate growth and promote spawning as soon as possible. The more forage available when bass get stocked the better. They will eventually reduce the forage numbers and you will need to start removing fish. To grow quality bass, it's always better to have too much forage and fewer bass than too little forage and too many predators (largemouth bass). There is

almost never a situation where bass should be added to a population, unless a fish kill has occurred. Many lake owners make the mistake of adding bass to an existing population because not enough big fish are present, when it's actually the opposite; no big fish are present because too many small bass are present. If your waterbody is one acre or smaller you may want to consider not stocking largemouth bass because managing numbers in such a small waterbody becomes difficult. An alternative might be the Morone Hybrid (sunshine bass, palmetto bass or whippers) that does not reproduce and numbers can be managed. Then when they are depleted, simply restock.

In most situations, managing largemouth bass in ponds and lakes requires the removal of some individuals to prevent overpopulating and encourages fast growth rates. Your Lake Manager or

biologist should provide you with a size and number to be removed every year to allow the bass population to reach its full potential. **Generally**, the target size is between 10 and 16 inches, and between 15 and 30 bass per surface acre should be removed. The sizes and number to remove are unique to each waterbody and may be modified in the same waterbody as the population dynamics change over time. This is the number one mistake lake owners and non-professional lake managers make - not removing enough largemouth bass every year. It can be taxing and time consuming, the larger the lake and more productive the waterbody you have, the harder it is to reach the annual goal. You remove fish from a slot where the bottle neck is, which is caused by lack of forage and too many individuals in that size group to keep fish growing through a certain size range. A combination of

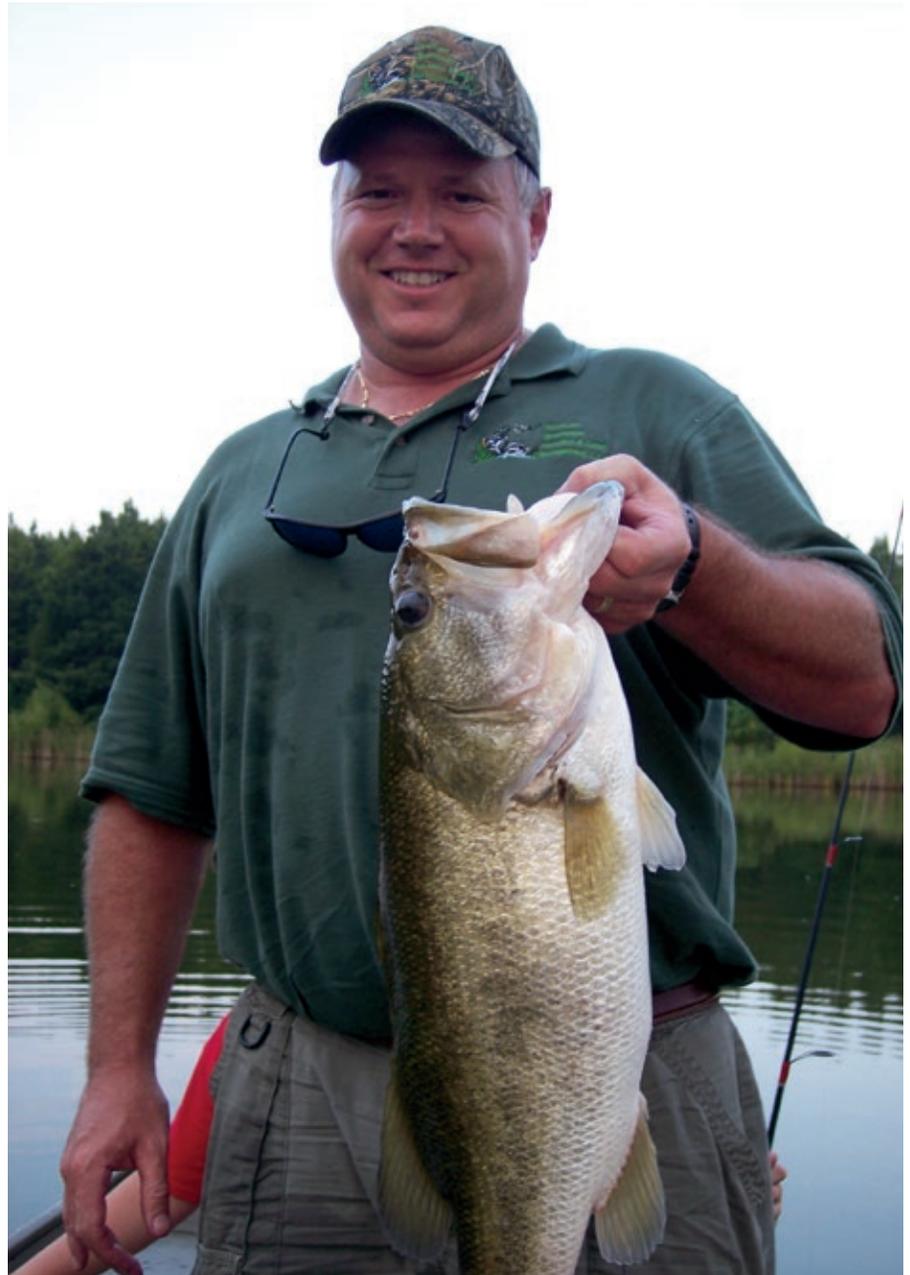
providing forage for all life stages and sizes of largemouth bass and reducing bass numbers so the remaining individuals have ample forage to continue optimum growth throughout their life is desired. If you regularly catch large numbers of mid-range (12-16 inch) bass that are skinny with large heads, then you have too many fish and not enough forage. Check your state's regulations because some states have no daily harvest regulations or size limits on private lakes and some states require fish to be removed within their regulations of daily bag and size limits, which can make removing 300 bass 12-14 inches long from a 10 acre lake difficult, but not impossible. We recommend inviting friends, family and youth to come help a few times in the spring to remove bass and achieve your goal. Have a community fish fry afterwards or invite local law enforcement to help as a reward for protecting your property from trespassers and/or poachers. Make it clear that no fish above the target size range are to be removed without your approval.

Catching bass is fun, but can be tricky in certain situations, such as small impoundments with high angling pressure. Largemouth bass can definitely become hook smart if the pressure on a small waterbody is excessive. I have only seen this on public fishing lakes and never witnessed it on a private lake. We have seen drained lakes full of quality or trophy bass that no one knew were there because they never bit an artificial lure or worm, however they did regularly hit live bait such as shiners or bream/panfish. Also, be aware of hooking mortality in small waterbodies. Be aware of certain rig types that are more susceptible of harming the fish than others. Live bait fishing is one of the worst methods for big bass to swallow the hook. Another type is plastic worm fishing if you let them have it for too long before setting the hook. Both types of angling can be done in ponds but we recommend using circle hooks like saltwater anglers use to reduce

swallowing the hook and hooking mortality. You will miss a few more fish but you will have fewer deaths from hooking mortality. Top water and crank bait lures also work well on uneducated fish and have a low probability of being swallowed. Should a big fish swallow the hook, it is usually better to cut the line at the eye of the hook and leave the hook in the fish than try to dig it out.

Lastly, on small impoundment bass fishing, if you catch a trophy (which is defined by the person who caught it), take measurements and quality photos from different angles in good light to

get a replica mount made, as opposed to killing the fish and removing it from the population. Measure your fish from the tip of the mouth (closed) to the tip of the tail (slightly pinch down). Do not measure to the fork, you want a Total Length. Measure the girth of the fish at its deepest point, usually just before the dorsal fin (underneath towards rear). Multiple photos can capture the colors and patterns for replication. Who knows, a mount of the same fish may be done a year or two later and the fish is a pound or two heavier and an inch or longer than when previously caught!



This happy fish biologist caught this "Hawg" from a private lake using his favorite sampling gear - a fishing pole and Rattletrap.

Integrating Wildlife Considerations Into Forestry Operations

Part 1 of a 4 part series



By Ted DeVos and Rod Bach

Ted DeVos and Rod Bach are co-owners of Bach and DeVos Forestry and Wildlife Services in Montgomery, Alabama. Ted is a Certified Wildlife Biologist and Registered Forester and Rod is a Registered Forester. They specialize in timber and wildlife management and recreational property development and sales. They can be reached at 334-269-2224.

*Simple hunts and simple pleasures
make great memories*

The ultimate goal of many people interested in wildlife management and hunting is to own their own land. Many of the subscribers to *Wildlife Trends* are already landowners and I would guess that many of those that aren't, are working towards the goal of land ownership. The great thing about owning the land that you hunt on and manage is that **your** objectives and priorities are the ruling factor. Be they wildlife habitat and management, timber income, hardwood or pine management, you get to make the decisions on what ranks highest on the priority list and when and where these activities take place. With this comes a large responsibility to be a good steward of the land and practice good conservation in your management. Most forest landowners with a wildlife interest, however, typically want to do the right thing, are dedicated conservationists and, while income may be a strong consideration, do not have maximizing income as the highest priority.

The intangible value of enjoying your timberland through recreation, hunting, spending time with family and friends, etc. is significant but hard to put a dollar value on. The enjoyment of learning about wildlife behavior and habitats, types of management and wildlife response, watching fawns or turkey poults (the fruits of your labor) in your woods or plots, or seeing seedlings that you planted grow and mature are a huge reason people enjoy owning and managing land. Although harvesting a good buck, working several gobbling birds in a morning, or watching a staunch bird dog on point is the goal of most wildlife management regimes, it is our opinion that well managed, diverse properties with abundant game and lots of stand diversity have much higher land values as well. While owning land for pure investment and timber income is a perfectly legitimate land use, those that integrate good wildlife management practices into their schemes get a premium price when the land is sold compared to tracts without much diversity.

So how do you go about integrating these two goals of maintaining good, healthy, wildlife populations while still growing healthy, vigorous timber stands? Well the two, generally, combine quite well. Managing for some species of wildlife does take more sacrifice from a timber standpoint and more complexity in management than others. Take bobwhite quail for instance. Maintaining long-rotation, mature pine stands at a low stocking rate with significant percentages of the property in non-income producing openings can be a costly venture with significant opportunity cost forgone from the timber income end. Managing for deer or turkey with a more heavily forested environment allows landowners to grow more timber while still maintaining adequate understory plants and the ability to produce significant income. Simply stated, wildlife management WILL take some sacrifices with a portion of the property in non-

timber producing openings and some timber stands carrying less trees-per-acre than high volume producing forests. However, there are some advantages to these sacrifices such as the fact that trees tend to grow faster and healthier at lower stocking rates, thereby reducing risk of damage by insects and/or disease. In addition, utilizing wildlife oriented practices like understory herbicides and burning, further increase growth rates by reducing competing vegetation as well as reducing risks associated with wildfires.

How to Get Started

It is important in the early stages of property management to properly plan for why, what, when, and how you will go forward. Planning for what wildlife and timber species to target in your management scheme helps reduce costs later in the process. Efficiency in goal setting and accomplishment is important and following “old-wives tales” and the advice of your dentist or barber may prove costly. Utilizing the services of professional foresters and wildlife biologists can save a landowner money in steering them away from unneeded practices, toward sensible activities that will reach a specific goal, as well as help in getting the most out of timber

sales, etc. While there are some professional wildlife biologists available, there are also a number of consulting foresters with some wildlife knowledge. The closer you can get to getting both in one package, the better off you are. Landowners need to research their choices and ask for references. Consultants need to understand the trade-offs and be fully knowledgeable of how timber management affects wildlife habitat and visa-versa.

Planning considerations should be relatively detailed for the whole property and include both long-term as well as short-term goals. Trees are a long-term investment and realizing full income potential for most species will take at least 3 decades considering today’s technologies in wood growth and utilization. Growing a mature 5.5 year old deer only takes 5.5 years. Growing a healthy 5.5 year old deer with a good rack takes an abundance of quality deer habitat and available forage for its full life. Considerations for property limitations such as terrain, soils, etc will make a huge difference in what species of trees to plant and what opportunities are available to you for wildlife openings. Upland areas with sands or gravels and an interest in quail management might make Longleaf pine a good



Aesthetics and simple enjoyment of the beauty of the land is one of the greatest parts of land ownership



Regular thinning and harvesting of trees is necessary to maintain both an income stream and keep the density of timber to a level that allows you to manage your all-important understory plants

choice for plantings. Fertile bottomlands with deer and turkey goals might make any variety of hardwoods the trees to plant. Considering both the land limitations with what wildlife species to target, allows you to decide what timber species and density is compatible.

It goes without saying the absolute first step in the planning process is determining the landowner's objectives. After the objectives are established a thorough property evaluation of what you are starting with is the next step. This evaluation includes a good map

showing roads, timber type/species/stands, ponds, creeks, stand history and age, etc. The last piece of information needed to begin preparing the plan is to get an understanding of the landowner's tolerances and level of commitment. Planning for what to do in both open land and woodland for any given species or group of species is the most important part of the plan itself. The amount of open land needed is different for different wildlife species as well as the intensity with which you will manage that species. While we will be concentrating on woodland management, what you plant in openings makes a big difference as well. There is a lot of information out there (especially in past *Wildlife Trends* articles) on what to do in wildlife openings, so we won't go into that arena.

Not only does the amount of woodland on a property make a difference, but the age of stands, species mix and average size of stands also changes the wildlife dynamic. For pure timber income and fiber production, having a



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1,000 acre stand of even-aged, closed canopy pine, with no hardwood competition is fine, easy to manage, and may produce a good income stream over time. However, even this scenario can limit potential returns due to the lack of stand diversity which can lead to selling timber in a poor market and it will produce very little wildlife habitat, aesthetics, nor high land price like a well managed, diverse property would. At the other extreme, a 1,000 acre tract of land broken into 100 - 10 acre “stands” and openings might produce the most diversity and high wildlife value, but becomes impractical to manage well, nor do the timber sales bring highest value. Somewhere in between lies a happy medium that depends on your objectives. Achieving this balance is hard and requires more time and effort but in our opinion is worth the effort because this type of property does tend to increase wildlife value, land value, and aesthetic value. Having a property broken up with wide hardwood creek bottoms, pine stands of multiple species, densities and ages with different management regimes applied usually produces the best mix.

Timber operations as related to the commercially important wildlife species are what this series will concentrate on. What is done in your timber stands has a huge effect on property values, timber values, and wildlife values for years to come so no activity should be taken lightly. To keep a stand of timber healthy and productive, conducting regular harvest and other management activities is necessary. Well managed timber stands are not those that are left for nature to take its course. Thinning, burning, clearcutting, replanting, herbicides, woodland grinding, pruning, fertilizing, etc. all have a place and significantly affect timber and wildlife values of a stand and, therefore, the property as a whole.

Thinning and clearcutting have a huge impact on the quantity and quality of understory vegetation, which is the backbone of your wildlife habitat. This



Well managed timber properties abound in non-game as well as game viewing opportunities

is most pronounced in residual thinning densities left in pine stands and mid-story sapling control. Maintenance of this understory with herbicides, mechanical clearing and fertilizing is an important part of the program. You need to decide on how much of these low growing understory plants you need, but bear in mind that the **majority** of deer forage is made up of these woodland plants and how much you have and how well they are growing has a direct bearing on how healthy your deer herd is.

These understory plants also make or break a quail population. It is where all quail nesting and most fall/winter cover occurs. It is where turkeys nest and raise their poults as well as find much of their feed. What you do in your woodlands directly affects these “early successional habitats” and therefore **all** of your wildlife populations.

In the following parts of this series we will discuss Pine management, Hardwood management, and reforestation and their effects on wildlife populations.

Fruit Tree Production On Your Property

By Allen Deese

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Plant it and they will come!

Purchasing Trees

The Old saying “you get what you pay for” is an important consideration when purchasing fruit trees. Bargain plants may not be healthy or may be a variety not adapted to your area. Buy only trees of recommended varieties from a reliable source.

Remember these few points when purchasing trees:

- Healthy 1 year whips 3'-4' tall ½" to ¾" diameter are preferred
- Healthy container plants 4'-8' tall 1" to 2" diameter
- Small trees with a good root system is more desirable
- Do not purchase trees that appear stunted, poorly grown or diseased
- Closely check labels to make sure of variety and rootstock

Site and Soil Requirements

Sunlight is the key ingredient in maximizing fruit production. Early morning sun is really important to dry the dew from the plants, thereby reducing the incidence of disease. So choose a site on your property that's in the sun most of the day.

Well drained soil is more important than soil fertility. Avoid soils where water stands 24 hours after a good rain. It is in these areas that the roots will die from a lack of oxygen. If you are forced to plant in these areas you will need to plant on raised or terraced beds.

Lastly do not plant Apple trees in high alkaline soils. Apples develop lots of minor element problems when planted in high pH soils.

Pollination

Not all fruit trees require pollen from other varieties to set fruit. However, it's always best to plant two or more varieties with overlapping bloom periods. Some varieties bear heavy crops when pollinated by another pollen producing variety. It is very important to mix varieties and plant in multiples to insure that pollination will not be an issue.

Pruning and Training

The day that you plant your trees is the day that you begin to prune and train for future production. Neglect results in poor growth and delayed fruiting.

1st year -Pruning a young tree controls its shape by developing a strong, well balanced framework of scaffold branches. Remove or cut back unwanted branches early to avoid the necessity of large cuts in later years. Remove inside limbs as well as heading the central leader. Heading brings the top and the roots back into balance and causes buds just below the cut to grow and form scaffolding branches.

2nd year- Again top the main leader to encourage another group of scaffolding branches. Remove all inside limbs and tip prune all existing limbs. The use of

limb spreaders is encouraged to get the desired spread of limbs (45 degree angle from the main trunk). This will insure sufficient sunlight reaches the interior portion of the tree. Remember to always keep the central leader as the highest point on the tree and keep the ends of the scaffolds and primary limbs below the top of the tree. Prune trees every year in February.

Fertilization

In the past we have recommended adding a slow release fertilizer to the holes at time of planting. I am somewhat backing off of this statement because of recent tests I have conducted on my own property at planting. We always mixed a 3 month slow release fertilizer in the pots at the nursery when planting with no ill effects on the trees. This season I used the same method as always on my property but used 12 month and at a higher rate than I generally recommend. We had ample rainfall for most of the season but we did have a one month period in the area where rain was scarce and I lost several of my trees. I am contributing it directly to the continual release of fertilizer while not adequate water was available to the plant. I still feel that a low dose of 12-6-6 will work fine but by low dose I mean a tablespoon.

With that said this is my new recommendation. At time of planting dig a larger than normal hole to soften the surrounding soils. This will allow for the root system to easily spread. If you are able to water the first season go ahead with the slow release fertilizer as previously suggested. If not, do not fertilize at time of planting. My suggestion would be to pick the sight you plant trees and prepare before planting by adding at least 3-5 pounds of lime in a 4x4 area and about ½ pound of blood meal. If you feel the need to fertilize the first year, only add about one tablespoon around the base of the tree about one foot from the trunk in early March and again in mid-June, only if you are

getting adequate rainfall. The second year, use about one cup at the same times, increasing each season by ½ cup, and no more than five pounds on a mature tree.

If you are in an area where fire blight is a problem or has been a problem cut your application rates in half on Apples and Crabapples. Pears do not require a lot of fertilizer so if you have any doubts about pears, do not fertilize at all. Treat persimmons much like you would pears.

Soil Testing is the most over looked aspect in any planting situation!!!!

Weed Control

One of the most limiting factors for all newly planted trees are weeds. Weed competition can result in death or poor growth of young trees. Keep a 3-4' circle cleaned at the base of each tree. This can be done by mulching, use of weed fabric or chemicals. When using a product such as Roundup, be careful not to get it on the tree. It is also very beneficial to mix a pre-emergent with the Roundup to prohibit regrowth for approximately three months.

Spraying

Our trees are selected with the absentee landowner in mind. We strive to pick the most disease resistant trees that we can possibly get to help with the problem of disease. However, resistance does not mean immune so some spraying may be necessary at times.

We strongly recommend the spraying of dormant oil on your fruit trees once a season in February on a warm sunny day. This will smother mites and insect eggs that would emerge later to cause damage to your trees.

Never spray insecticides on your trees while they are blooming. Doing this will kill beneficial pollinating insects.

Try your best to not let Japanese Beetles or caterpillars defoliate your trees. Traps work great if you have a problem but if you seem to have no problem the use of traps can attract

more than you bargain for. If you see that you have a serious problem where the tree has lost ½ or more of the foliage, you would then need to spray. I have effectively used traps only when I had an extreme problem. For specific problems give us a call.

Summation

- Purchase your trees from a reputable company. Remember that buying trees is a long term relationship, much like purchasing a truck. The trees that you plant on your property will benefit you and your family for a long time.

- Soil Test

- Diversify -plant varying species of Apples, Crabapples, Pears, Persimmons and Plums not only for pollination but for a sustained fruit drop from early summer into Late December.

- Spend a little time with your trees each season in late February removing old dead limbs, crossing limbs inside the tree and heading back the leaders. Remember to make pruning cuts above outward facing buds.

- Fertilization- always lean on the side of a little is enough. Remember that Pears and Persimmon do not require a lot of nitrogen especially after the about three/four years. Fertilizing in

the early years is very helpful in getting the trees established and creating strong years of vegetative growth. But again, too much nitrogen can cause crazy vigorous growth and encourage disease.

- Weeds – use weed mats, spray, mulch or any combination. Weeds are the most limiting factor to establishing newly planted trees.

- Dormant oil on a warm February day will help keep insect damage to a minimum. This is the most important spray that can be applied to fruit trees in my opinion and it is the least toxic of all sprays.

- Lastly, be patient!

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Wildlife Trends Journal Management Calendar

By Dave Edwards

February/March 2014

Dave Edwards is a certified wildlife biologist and regular contributor to *Wildlife Trends Journal* and other hunting/wildlife publications. Dave was honored as QDMA's 2007 Deer Manager of the Year and nominated in 2011 as Alabama Wildlife Federation's Wildlife Conservationist of the Year. Dave is General Manager for Cabin Bluff Lodge and President of Tall Tines Wildlife & Hunting Consultants, Inc. Contact him at Dave.Edwards@CabinBluff.com or 912-464-9328.



Before - abandoned apple trees become unwieldy and less productive resulting in decreased value for wildlife.

Prune apple trees.

Pruning is a management strategy that will improve the health of apple trees as well as enhance fruit production. Moderate pruning is usually best. Heavy pruning dwarfs trees and may delay fruit bearing, and is especially undesirable for young trees. Proper pruning shapes the tree's structure for life. Prune young trees to establish a strong scaffold system with wide-angled, well-spaced branches that will not split from high

winds or heavy crops. A well-trained young tree bears heavy crops early and continues to bear efficiently. The dormant season is the best time to prune fruit trees, although dead or diseased branches may be removed any time. Prune bearing apple trees regularly, preferably every year; it is a mistake to neglect trees for years and then prune them severely. Old trees, however, can sometimes be rejuvenated with heavier pruning than younger trees require.

Plan and schedule timber harvest activities

If you have timber that needs to be harvested, cutting it during the dormant season (winter) or early in the growing season (spring) enhances its wildlife value during the first year after the harvest. Harvesting timber during this period gives plants the entire growing season to regenerate resulting in increased desirable food and cover for wildlife. Conversely, if timber is harvested in the

middle of summer (mid-growing season) plants do not have as much time to germinate and grow. Thus, the resulting vegetation will not provide as much benefit to wildlife. Obviously, local timber markets and timber prices play a significant role in the decision to harvest timber, but if markets are right, harvesting during winter or spring will increase the wildlife value of the area during the first year.

Plant supplemental fruit trees and/or other wildlife friendly plantings.

Supplementing your property with plantings of oaks, chestnuts, pears, crabapples, plums, autumn olive, etc. is a great way to enhance both the aesthetics and wildlife value of your property. Late winter through early spring (before spring green up) is the best time to plant most wildlife friendly trees/shrubs. Planting a variety of trees/shrubs will ensure that a variety of food sources are available throughout the year. The plantings should be strategically placed around food plots or fields, along roadsides/ intersections, or other areas that will receive adequate sunlight. If quail management is one of your goals, and your property has lots of open land, you may consider establishing hedgerows for additional quail habitat. Hedgerows are often created using wildlife friendly plantings such as plums, dwarf chinquapin or sawtooth oaks along with other shrubs. Hedgerows can be enhanced by planting adjacent strips of partridge pea or food strips of corn, Egyptian wheat, sorghum, or millets this spring/summer. *The Wildlife Group* is an excellent source for obtaining beneficial wildlife trees/shrubs as well as getting advice on planting strategies and tips.

Deer stand preventative maintenance

While it is not a fun job, deer stand maintenance will prolong the life of stands and their accessories and in

some cases will prevent tree damage during the growing season. Things such as removing seat cushions, camo wraps, shooting rest padding, and/or actually pulling deer stands out of the woods and storing them out of the weather will significantly increase their life and save money in the long run. Squirrels and Mother Nature can and will ruin a deer stand in as little as one summer. Taking the time to label parts (cushions, wraps, ladder sections, etc) will help keep loose items “marked” and make reinstallation next fall much quicker and easier. Before storing stands for the summer, I check them for needed repairs, touch them up with paint, and lubricate any moving parts. This helps protect the stands but also allows time for the odors associated with paints and oils to fade before next fall. If you have enclosed shooting houses, take time now to close windows, doors, and make attempts to “seal it up” where needed to

keep unwanted pests out. While exterminating a few wasps is easily done next fall, removing 6 months’ worth of owl droppings is another story! If you plan to leave ladders and lock on stands in the woods over the summer be sure to loosen the fasteners, straps, or chains that attach them to the tree to allow room for the tree to grow during summer. You may be amazed at how fast a tree can “absorb” (grow around) a chain! As a side note, while in the area, I often use this time to do a little scouting for next hunting season as well.

Erect new wood duck boxes and/or clean out existing boxes in preparation for the nesting season.

Place 4”-6” of sawdust or wood shavings in the bottom of the box for nesting material. I prefer shavings verses sawdust because they do not absorb moisture as easily which causes rotting



After - Abundant fruit as a result of pruning

and mold – check with a wood shop that uses a planer for shavings. Cedar chips that are used for dog bedding can be good nesting material as well. Erect new boxes before February in highly visible areas near good brood rearing habitat. Adequate protective cover is essential for brood survival. Brood habitat should include a dependable source

of water with plenty of shrubs and emergent vegetation for food and cover. These areas are generally along the perimeter of a pond or swamp. Wood duck boxes should be cleaned out and inspected at least once per year. Word of caution – always be careful when opening wood duck nest boxes. Many other animals use the boxes. Animals

that are commonly found in wood duck boxes include gray squirrel, flying squirrel, rat snakes, screech owls, and flycatchers. Building wood duck boxes, putting them out, and checking them after nesting season to monitor usage is always an adventure and gratifying. This is a great project to include children. There is a lot of hands on work and makes them feel good about helping animals...plus it teaches them good stewardship.

Provide supplemental feed for deer.

This recommendation/activity is directed towards landowners or managers who have done a good job managing natural habitat, food plots, and deer herd conditions. That is, before thinking about starting a supplemental feeding program for deer on your property, you need to take care of the “important” things first. In other words, you can not hang shutters if you do not have a house – and you will not grow big bucks and a healthy herd with supplemental feed alone. It is a supplement to other management strategies and activities. However, when done in combination with other core management practices, supplemental feeding can be valuable for deer. Be sure to check your local game laws before providing feed on your property. Many states do not allow the use of feed during hunting season. Ideally, providing supplemental feed throughout the year is best, but supplemental feed will be most used and most valuable for deer in late winter and late summer. These are periods when natural food availability is at its lowest. So if you have a limited budget and can not or do not want to feed throughout the year, provide it during the periods deer need it most.

Initiate late winter/early spring strip disking

Are you looking for an inexpensive management strategy that can significantly improve the wildlife value of



For best results, wood duck boxes should be cleaned out and refilled with nesting material (wood chips) before nesting season (late February thru April in the Southeast).



Mowing trails into key turkey hunting areas before the season will allow stealthy access when moving in on a gobbling turkey later in the spring.

your property? Strip disking is an excellent management practice that can produce exceptional food and cover for various wildlife. If you have a tractor and a disk the only expenses of strip disking are fuel and time. Simply find areas within relatively open habitat, drop the disks, and drag them.

Obviously, the tractor operator needs to pay attention to avoid stumps or other obstacles to prevent damaging the tractor or disks. The goal is to just “stir” the soil to promote germination of seeds in the natural seed bank. Generally speaking, one pass is all that is needed.

Disking can be done along roadsides, in or around old fields, and within thinned pine plantations or mature longleaf stands. Disking strips 10-30 feet wide in late winter and early spring will stimulate the growth of desirable native quail

food plants such as partridge pea and beggarweed. The new succulent vegetation that grows in the strips will also attract insects. Late winter – early spring is also the best time to disk to promote high quality deer browse as it promotes broadleaf weed growth. These areas can be managed by re-disking every other year. The time of year you disk will influence the types of plants that colonize. For example, winter disking produces heavy-seeded quail foods such as partridge pea and ragweed, while disking in April increases the production of important seed-producing grasses such as panic grass. Disking in June favors grasses and green vegetation that attract insects and a number of major seed plants that turkeys and quail readily feed upon in the fall. In general, seasonal disking can provide a diversity

of seed producing plants for quail and turkeys as well as quality browse plants for deer.

Spring is a good time to check soil pH and apply lime to food plots if needed.

To check the soil pH, simply collect soil samples and send them to a soil laboratory (see previous *Wildlife Trends* articles on how to properly collect soil samples). Your local farmers cooperative will often have soil collection bags (which normally have directions on how to collect soil samples) and will also know where you can send the soil to be tested. Although there are exceptions, most crops grow best in a relatively neutral soil pH of 6.5 – 7.0. Thus, lime is often needed to enhance the soil. Because it can take several months for

lime to effectively change the soil pH, checking the soil in the spring will give you ample time to enhance the soil before the fall planting period.

Remember, ensuring proper soil pH is often more important than what you plant or how much you fertilize. In fact, proper soil pH is essential for fertilizer to be available to the plants. Although lime can be spread any time of year, applying it at least 6 months before planting will allow time for it to enhance the soil. Lime can be broadcast directly on top of the soil where rain can work it

into the growing zone of the soil, but disking it into the soil will speed the process up and is recommended.

Mow early or wait until early summer.

If you have areas that need to be mowed, mow them before turkey nesting season (which is generally March-May in most of the Southeast) to prevent destroying nests. Unless necessary, I recommend leaving as much of roadsides, fields, and other openings unmowed to provide additional nesting

habitat for turkeys and other birds.

Much turkey nesting research shows that these areas are valuable and heavily used for nesting by hen turkeys. Even if turkeys do not use all of the un-mowed areas, these areas will host an alternate food source (small mammals – rats, mice, and rabbits) for potential turkey nest predators. Having this “extra habitat” also increases the “search area” and reduces predator success in finding turkeys and their nests giving turkeys a better chance of producing a clutch and surviving. This strategy is more valu-



Slow water draw downs (longer than 2 weeks) of waterfowl impoundments result in increased desirable wetland plant and invertebrate diversity providing more food and cover for ducks next fall.

able for landowners whose property has limited nesting habitat.

Make preparations for spring turkey season.

One of the best ways to ensure you have gobblers in the spring is to manage your property throughout the year to promote quality nesting cover (see Turkey Habitat Management article in the January-February 2009 issue for more detail on creating nesting habitat). I have worked with many landowners who had gobblers on their property most of the year, but they disappeared during the spring. After closer inspection, their property didn't have good nesting habitat and the hens had moved to adjacent properties carrying the gobblers with them. Quality nesting habitat is created by maintaining a patchwork of early successional habitat throughout your property. Burning, herbicide applications, strip disking, timber harvest, and roadside management strategies are all tools that can help you create quality nesting habitat for turkeys. Besides the key element of creating nesting habitat, creating strutting zones in strategic areas around your property will help put turkeys where you want them to be. February or early March is a good time to create strutting areas. A mower, disk, fire or combination of these are the tools of choice for this task. Fire is my preferred tool if it can be used. Strutting areas are simply areas that have relatively little or open ground cover that will be attractive to turkeys for breeding courtships. I often create these areas between roosting and nesting areas and preferably near a food source such as an old field, chufa patch, or food plot. Areas that often lend themselves well to creating strutting areas are powerlines, old fields, food plots and roadsides. Lastly, mowing hunter access trails will help you slip into areas to hunt without making a bunch of noise. If these trails go through thick habitat, don't be surprised if turkeys use the same trails.

Assess management strategies, review or develop a plan, & prepare for upcoming projects.

Good planning and preparation ensures you will have everything needed and be ready to initiate projects this summer. I heard a saying that has stuck with me over the years that always reminds me to plan – “People don't plan to fail, but often fail to plan”. Planning also allows you to prioritize

projects, create a budget for the upcoming year, and develop timelines for completion to help you stay on track. Many landowners simply tackle projects as they come up or as they think of them. This strategy can work, but without planning they may overlook or run out of money before addressing a more needed project. Spring is a busy time for us at Tall Tines Wildlife Consultants helping landowners determine their

Comparison of responses to rate and date of drawdown on waterfowl impoundments

		Drawdown Rate	
		Fast (<4 days)	Slow (> 2 weeks)
PLANTS			
Germination			
Period of ideal conditions		short	long
Root development			
Wet year		good	excellent
Dry year		poor	excellent
Seed Production			
Early season drawdown		good	excellent
Mid-late season drawdown		poor	excellent
Wet year		good	good
Drought year		poor	good
Cocklebur production		high potential	reduced potential
INVERTEBRATES			
Availability			
Early season drawdown		good	excellent
Mid-late season drawdown		poor	good
Period of availability		short	long
BIRD USE			
early season drawdown		good	excellent
Mid-late season drawdown		poor	good
NUTRIENT EXPORT			
		high	low

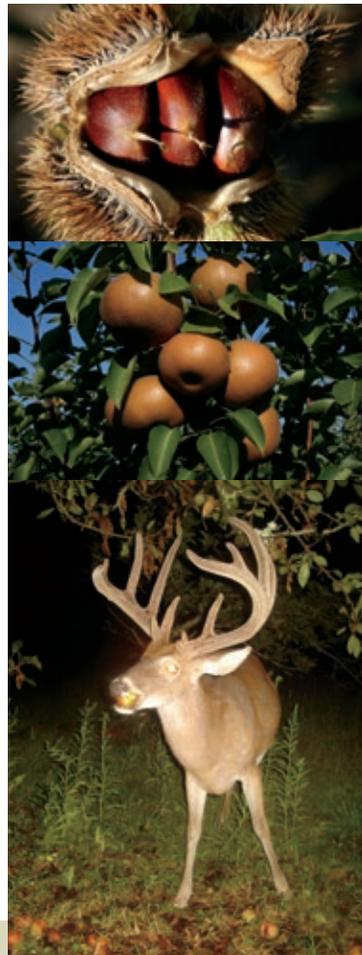
Source: US Fish & Wildlife Service Leaflet 13; 1991 : Strategies for Water Level Manipulations in Moist-soil Systems

property's needs. We conduct what we call "property management assessments". During this consultation, we review projects that had been completed the previous year, review harvest data or other information that provides insight to how the wildlife we are trying to manage is responding to management, re-assess progress towards goals, assess the habitat and property in general to determine its limiting factors, and develop a prioritized list of activities that need to happen to help the landowner achieve their goals. While this is a professional service we provide, it is a process that I feel all landowners should go through each year, whether they hire a professional biologist or not, to keep them on track and moving forward.

Manage water in duck ponds.

Although duck season may be over, leaving your duck ponds flooded will benefit migrating waterfowl by providing energy rich foods for their flight back north. Pond drawdown rate and timing is important and will vary depending on your management strategy (natural moist soil management or agricultural plantings). If you are planting agricultural crops for waterfowl, leaving the pond flooded through early summer will help control weeds. Just be sure to drain the pond early enough to allow adequate drying time before planting time. However, if you are managing for natural moist soil plants, such as in a beaver pond or waterfowl impoundment, you will need to start pond drawdown in the spring to allow

desirable native moist soil plants to germinate and grow. Slow drawdowns (over a 2-3 week period) are often desired because they will result in diverse emergent wetland species and invertebrate composition. Quick drawdowns result in decreased plant species diversity and are often composed of undesirable species. If you are managing a GTR (Green Tree Reservoir or flooded hardwood area), use a slow drawdown process but ensure water is off the area before spring green up to protect/ enhance growth of oaks in the GTR. Some oaks, particularly the more desirable ones for generating duck food, do not do well if left flooded after they begin growing leaves in the spring.



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