

# Penn State **Extension**

# The Woodlander

Summer 2011

[extension.psu.edu](http://extension.psu.edu)

## Understanding Negligence Liability Against Rural Landowners

Land owner liability is not a popular topic. Most landowners prefer not even to think of the possibility they could face financial liability for injuries that occur on their land. Despite the unpleasantness of this subject, rural landowners need to address it appropriately. Otherwise, one unfortunate incident could jeopardize their continued ownership of the land or the viability of their agricultural enterprises.

When someone is injured on a parcel of land or as a result of activities occurring on that land, the injured person may seek financial damages from the landowner. The courts commonly rely on the legal theory of negligence to consider liability. In a general sense, negligence occurs when someone — such as a landowner — fails to exercise ordinary care under the circumstances.

The determination of what actions or omissions by a landowner are necessary to establish negligence depends heavily on the individual facts

of each case and on state law. Thus, it can be difficult for a landowner to know exactly what precautions, if any, he or she should take. There are, however, some basic concepts to help guide rural landowners.

### Duty of care owed to visitors

The duty of care owed by a landowner to a person entering the land depends on whether that visitor is classified as a trespasser, licensee or invitee.

A landowner has a low duty of care, relatively speaking, to a person who enters or remains upon land without consent. This duty of care to trespassers requires a landowner to avoid willful, wanton or reckless conduct that could cause harm. Where a landowner knows trespassers have been on the land, the landowner has a heightened duty of care. A warning of potential dangers or a removal of those dangers may be required. A landowner also has a heightened duty, under the so-called attractive nuisance doctrine, where it's foreseeable that children may trespass upon the land.

People who are invited onto the land for social reasons that have no economic value to a landowner are considered licensees. A landowner gen-

erally owes these individuals a higher duty than is owed to trespassers. Specifically, a landowner must warn licensees of any known dangers but is not required to inspect the land to discover possible dangers.

A landowner owes the highest duty of care to those individuals who are invited — either expressly or by implication — onto the land for the economic benefit of the landowner. This is described as a duty to protect, and a landowner may be required to inspect the land for dangerous conditions, warn of known dangers and/or remedy dangerous conditions.

### Protecting yourself

To minimize the possibility of negligence liability, a landowner should recognize the legal status of visitors and act accordingly. To safeguard visitors, a landowner should take any actions required by the requisite duty of care.

From a practical standpoint, it's not possible to eliminate entirely the risk of negligence liability. A landowner should take out an insurance policy to protect against financial liability as well as the costs of any litigation. The appropriate amount of insurance coverage depends on many factors. You should consult an insur-

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ance agent to determine your needs.

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## Oriental Gall Wasp

Last year we requested your assistance in a multi-state research project with University of Kentucky Entomologist Dr. Lynne Rieske-Kinney who is studying the spread of the Oriental chestnut gall wasp and its associated parasites.

Once again we need your eyes in the field as we attempt to monitor the spread of this pest in Pennsylvania. You can assist our knowledge of how far and fast this pest is expanding its range with your powers of observation. Dr. Rieske-Kinney tells us one of the issues is an inability to establish a consistent protocol for sampling given that each infestation tends to be so different. By the time you read this article, the galls will be well formed and quite noticeable. If you would like to help monitor this pest, here are a few recommended guidelines:

1. Study the photographs of the galls in this article and read the Nutshell article available on the Cooperative Extension West Region website at: <http://extension.psu.edu/westregion/>
2. Examine as many chestnut trees as possible in your area.
3. If you observe galls, record the tree species (Chinese, American, unknown, etc.), approximate age or size (height and/ or

dbh), and the setting (e.g., orchard, landscape planting, fencerow, etc.)

4. Provide an estimate of the “**infestation level**” by estimating the number of infested trees as well as the number of total trees.
5. Provide an estimate of the “**infestation severity**” by estimating the number of total galls on 3 branches of each tree you observe.
6. Email the above information and location of infested trees (GPS would help) to [gwm6@psu.edu](mailto:gwm6@psu.edu) or phone 724-662-3141 Ext 106. Another option is mailing your observations to:

**Gary Micsky**  
**Penn State Extension Mercer**  
**County, P.O. Box 530 Mercer, PA**  
**16137**

Oriental Chestnut Gall Wasp Galls  
Photo credit: Jerry A. Payne, USDA



Agricultural Research Service, Bugwood.org



Oriental Chestnut Gall Wasp, Photo credit: Gyorgy Csoka, Hungary Forest Research Institute, Bugwood.org

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*Gary Micsky*  
*Mercer County Extension Educator*

## Understanding Tree ID Terminology

Summer has finally arrived to Pennsylvania and our deciduous trees have completed growing their leaves for the year.

There are lots of forest management activities that are performed during this time of the year and it is important to be able to properly identify the trees and shrubs found in the forest. There are numerous books and websites that offer assistance to identifying trees.

The terminology that is used in these guides can seem strange to most people. Many of them are words that people have never been

exposed to and it can sometimes get frustrating to properly identify a tree or shrub.

Following are some common terms and their definitions that may be encountered to describe leaves and twigs when using dichotomous keys and books to identify trees.

Please note that this list is not all inclusive. There are far too many terms to define in the limited space available here but these are some of the more common ones that are used.

### **Terms associated with softwood Identification:**

**Armed:** having spines; refers to cones

**Basal sheath:** tubular envelope that attaches the needles to the stem

**Bract:** Leaf from the axil of which a flower arises

**Erose:** irregularly toothed

**Fascicles:** in clusters or bundles; usually refers to how the needles are attached to the twig

**Sessile:** without a stalk (refers to how cones are attached to stems)

**Stomata:** openings or pores on the surface of leaves; Provides for gas exchange

**Umbo:** refers to the outer most point of a scale on a cone

### **Terms associated with hardwood Identification:**

**Alternate arrangement:** leaves that are not directly across from each other on the twig

**Bi-pinnately compound:** leaflets arranged on side branches off of the main petiole

**Bundle scars:** Tiny dots in the leaf scar that are the end of veins that are used to transport food and water between the leaf and twig

**Compound leaf:** A leaf whose blade is divided into smaller leaflets

**Glabrous:** smooth, devoid of hair

**Glaucous:** Covered with a white waxy substance

**Imbricate:** Overlapping

**Leaf scar:** the mark left on a twig after the leaf falls off

**Lenticles:** openings on a twig which allow for gas exchange

**Lobe:** projections that shape a leaf

**Lustrous:** Glossy or Shiny

**Margin:** the edge of a leaf

**Midrib:** primary vein of a leaf

**Node:** point where a leaf, flower, or bud is attached

**Obtuse:** blunt

**Opposite arrangement:** leaves that are placed directly across from each other on the twig

**Palmately compound:** leaflet all attached near a common point

**Petiole:** The stalk of the leaf

**Pinnately compound:** having leaflets arranged in 2 rows along the petiole

**Pubescent:** Covered with fine, soft hairs

**Rachis:** Extension of the petiole of a compound leaf that bears the leaflets

**Simple leaf:** A single leaf blade with a bud at the base of leaf stem

**Sinus:** The space between the lobes on a leaf

**Stipule:** A leafy appendage attached to the twig at the base of a petiole

**Valvate:** meeting at the edges without overlapping

**Whorled arrangement:** leaves that are placed in groups of 3 or more at each node



*Image showing leaf and bundle scars from a Horse Chestnut tree  
Photo courtesy of forestryimages.org*

There are many other terms that describe the apex and base of leaves, the shape of leaves, as well as the venation and margins of leaves. I found a webpage from the University of Illinois that defines these terms and has great photos that show examples. The website can be found at the following URL:

<http://woodyplantstutorial.nres.illinois.edu/>

The Summer Key for Pennsylvania Trees can be found at the following URL:

<http://downloads.cas.psu.edu/4H/Summerkeyfortrees.pdf>

*Scott Weikert  
Forest County Extension Educator*

# Timber Market Report

(January – March 2011)

The following are prices paid for stumpage (standing timber) in northwest Pennsylvania for the first quarter of 2011. This is only a guide for stumpage prices. Markets can change dramatically so these prices are not necessarily current prices. Prices vary based on the following factors: size, species, and quality of timber; total volume and volume/acre; logging conditions; distance to mill; season of year; and end product of manufacture. To see stumpage prices for other parts of the state or to view pulpwood prices, go to: <http://extension.psu.edu/tmr/>

Prices are based on International 1/4" rule,  
Prices are \$/MBF (1000 board feet).

	*LOW	AVG	High
Red oak	234	315	396
White oak	153	193	233
Mixed oak	81	145	209
Black cherry	347	770	1193
White ash	75	143	211
Hard maple	145	271	397
Soft maple	90	156	222
Yellow poplar	10	126	242
Misc. hardwoods	4	56	108
White pine	14	36	76
Hemlock	5	28	51

## Conversion Factors

Doyle rule price= 1.695 x international 1/4" price

Scribner rule price=1.159 x international 1/4" price

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## Upcoming Events

### Tuesday, June 14:

Pa Forests Web Seminar on **Backyard Forestry**. Seminar will be held at noon and Repeated again at 7:00. Visit the following web site for more information: <http://extension.psu.edu/private-forests/tools-resources/webinars>

### Saturday, June 25:

Woodland Owners of the Clarion and Allegheny Valley Annual Picnic at Shelter #2 in Cook Forest

### Monday, July 18 & 25:

**Caring for Your Woodland I** : Workshop will be held over 2 evenings from 6:00-8:30 and will teach about forest ecology, management techniques, forestry BMP's and more. Cost is \$15 to attend. Workshop will be held at Campbell's Tree Farm in Tionesta. Contact Scott Weikert at 814-755-3544 or [sjw128@psu.edu](mailto:sjw128@psu.edu) to register.

### Wednesday, July 20:

**Understanding Wood:** Learn about wood anatomy, wood/moisture relationships, wood shrinkage, factors affecting warp, and more. Workshop will be held at Structural Modulars in Strattanville from 9:00 until 3:00. Cost is \$45 to Attend. Register by going to the following website: <http://guest.event.com/d/tdqbz6> Contact Scott Weikert with questions at 814-755-3544 or [sjw128@psu.edu](mailto:sjw128@psu.edu)

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