

*The New York*

# ***FOREST OWNER***

A publication of the New York Forest Owners Association

•May/June 1997



**STARTING OVER**

**ETHICS IN FORESTRY**

**THE NEW YORK  
FOREST OWNERS  
ASSOCIATION**

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**OFFICERS & DIRECTORS**

**Jill Cornell, Acting President**  
703 Johnsonville Rd.  
Johnsonville, NY 12094; 518/ 753-4336

**Robert M. Sand, Recording Secretary**  
300 Church Street  
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**Mary Richardson, Acting Treasurer**  
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**Deborah Gill, Administrative Secretary**  
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**COVER:**

*A small forest area 6 years after 'restart'.*

[See Page 4] Photo by Peter S. Levatich  
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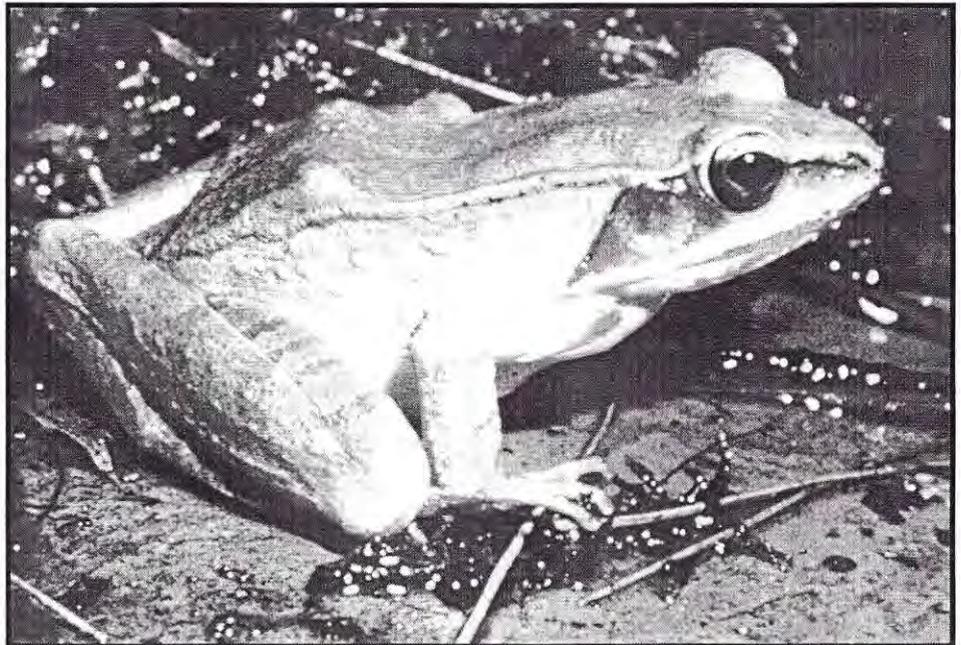
**FOREST OWNER**

A publication of the New York Forest Owners Association  
Editorial Committee: Betty Densmore, Chair, Alan Knight, Mary McCarty, Jim Minor,  
Bob Sand, and Eileen VanWie.

*Materials submitted for publication should be addressed to: R.J. Fox, Editor, P.O. Box 88, Moravia, New York 13118. Articles, artwork and photos are invited and are normally returned after use. The deadline for submission for Jul/Aug is June 1.*

**Please address all membership fees and change of address requests to P.O. Box 180, Fairport, N.Y. 14450. Cost of individual membership subscription is \$20.**

**SPRING IS HERE!!!**



*Wood Frog. Photo-Courtesy of Glenn Johnson*

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# PRESIDENT'S MESSAGE

By Jill Cornell

**N**YFOA is a volunteer organization. We all know that many of our members have given countless hours of their time and energy since it was founded in 1963 in order to make NYFOA a live, interesting entity for members and for the general public when it chooses to participate. Thank you all!

I joined in 1992 because I realized that I didn't know much about my woodlot. I knew there were maples, oaks, two kinds of pine, some hemlocks and that the mixed hardwood section had once been a sugar bush and general source for the farm. Pretty basic.

A notice in some newspaper caught my eye, and I decided to go to the NYFOA Fall meeting at the Arnot Forest near Ithaca. The speakers were very interesting, and I heard about the Master Forest Owner Program, and enrolled in 1993. The MFO "deal" is an obligation to pay for training by visiting neighboring woodlots to talk trees and provide information sources for the owners. No pseudo "forester" guise, just discuss options and varieties of goals for woodlots and supply information pamphlets.

Not many appointments for woodlot visits materialized, and I volunteered to help my NYFOA chapter with programs and woodwalks. This is the MFO "miscellaneous" category of "payback."

It must have been a big debt, because the "miscellaneous" work keeps me very busy! More about that some other time. What I want you to know about is how very much I have gained from my volunteer work.

I have spent some time with some of the most wonderful, bright, interesting, and creative people. We have come to know each other because we all share common interests: trees and wildlife. No one could be a "stranger" for long at a NYFOA program: all you have to do is ask what kind of trees anyone has in their woodlot.

Without the knowledge I have gained from my NYFOA connections I would never have had a successful timber harvest, planted 300 hardwoods on a SIP cost share basis, been certified as a Tree Farm, known how to deal with a milfoil problem in my pond, learned about recreational land leases, seen rare wildflowers, attracted bluebirds to my farm, visited woodlots all over New York State, and had the opportunity to meet and talk with people from all the branches of the forest community.

You have some special skills or interests that could help NYFOA. Be assured that you will get back as much as, or more than, you ever anticipated. VOLUNTEER!

# ABOUT THIS ISSUE

By Dick Fox

**T**his issue has lots of forestry in it; stuff on how to do what and why; material that is central to NYFOA's Mission and Goals. Every issue of the NY FOREST OWNER should provide information and offer management suggestions in both a technical and anecdotal genre.

This issue, inspired somewhat by the last one, has a greater focus on owners and others in the forest community who make a living helping forest owners manage their land. Several subjects of controversial economic and ecological significance are engaged by essay and dialectic. Since our Articles of Incorporation state we will serve and protect the interests of our landowner members, it is fitting that we would examine the political forces not visible when walking in the woods. Failure to look at them may create a landscape where the woods you walk in, you can no longer own.

Obviously, whether information, how-to-do-its or politics, the NY FOREST OWNER is grateful for the good will of our contributors and readers.

Finally, this issue was developed using computers, e-mail, scanners, and printers at a moderately high level of technology. As a result, I would wish for a higher quality (at least, less errors than the last issue); but, alas, all the errors are human, mine!



## NEW YORK FOREST OWNERS ASSOCIATION *Capital District & Southeastern Adirondack Chapters*



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**The Family Forest Fair will be held Saturday, June 14, 1997 at the Washington County Fairgrounds on Route 29, just West of Greenwich, NY (9:00 AM - 5:00 PM)**

*The primary purpose of Family Forest Fair 1997 is to educate private landowners and the general public about the benefits of forest management to the people, environment, wildlife, and economy of New York.*

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# STARTING OVER

By Peter S. Levatic ©1997

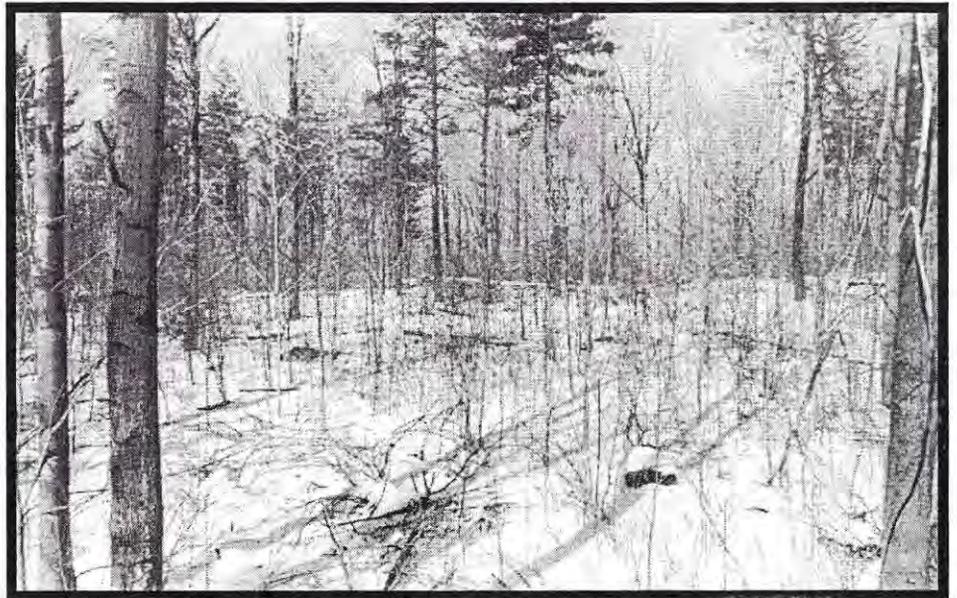
**W**e all have it. Some of us more than others. All of us keep wondering what we should do about it; or should we just leave it alone? It is a part of our forest property which does not fit into our management objectives. We do not like it the way it is. It bothers us deep down every time we look at it. Even though we know it is not our fault. We inherited what went on before our arrival and nature produces some strange things too. While we realize that even this "hopeless" part of our forest is changing slowly, we cannot imagine how it can ever become better. Only taller, not better. What are we to do?

Related to our quandary is the ownership time frame of our forest, good or "hopeless", and our responsibilities as stewards. There is the 100 to 120 year crop rotation, the forest time frame from seed to mature giant. Not only is our human time frame much less, our ownership tenure is probably only 10 to 40 years, much as we hope to extend it by influencing our ownership heirs. Because our time is short, we concentrate on doing what is most effective for our forest in our own time. And so we correctly fret over those sections of the forest which seem so hopelessly poor that nothing we can do appears to be appropriate or rewarding. No tangible rewards seem possible, no merchantable gain imaginable. (And merchantable gain is an important consideration! We cannot be expected to work in the forest and pay taxes without material rewards.) So, we tend to leave the poor and "hopeless" sections of the forest alone. But it correctly bothers most of us to do so because we feel responsible as stewards of all of the forest. Short term stewards we are, but stewards of our entire forest nevertheless.

Then, one sunny day, we feel good about our work in the woods. And we say: now we are going to do something about those acres of neglected forest! We are going to wipe out this section of "hopeless" forest and start it over, give it a new chance. I have experimented and I have the lessons to pass on, offering them to you to try. Starting over is quite interesting. If you do it correctly, the rewards will exceed your expectations.

First you need to survey the situation:

1.) Define the perimeter of the area you



*A small forest area 6 years after "re-start". Photo ©1997 Peter Levatic.*

want to start over. There is a minimum size depending on the height of the adjoining trees. It should be at least about an acre, because it will shrink as the perimeter of older trees grows inward.

2.) Look at the ground with care: are any seedlings around? How tall are they, how numerous? Are they shade tolerant, intolerant, or mixed species? Which are the "desirable" species (as defined by your forest management plan) ?

3.) Are there mature seed trees of the desirable species near by ?

4.) The site. What is the orientation? Are you on a south or north slope? Is it exposed to prevailing winds? What is the depth of the top soil?

**N**ext you must take into account some general facts.

A.) You can expect that the species which now grow in your starting-over area will prevail. There are many reasons for that. The composition may change, but you cannot change the components easily, like importing species from afar.

B.) Look at the seedlings which are there already. If they are the species you like, proceed in a way that will be best for them. If they are undesirable species, you have to eradicate them before starting over. In other words, you can manipulate the predominance of desired species to some extent.

C.) If you find no seedlings, this is sig-

nificant because you simply do not know what will grow except for the stump sprouts. And stump sprouts may or may not be any better than the present growth: they will have the same genes. New seedlings may come in if the seed source is nearby. Worst of all, new seedlings will start from seeds already on the ground (and some seeds stay viable for up to ten years in the leaf litter) but you do not know what they are.

**Y**our strategic alternatives for starting over are governed by all of the above. Therefore:

1.) If your seedlings are desirable species, numerous, and 24" or taller, starting over is simple: make a clear cut.

2.) If your seedlings are desirable species but less than 24 inches tall, leave a few trees standing to maintain an environment which will protect them from full sun and drying winds. How much protection? Partial shade. Leave desirable species trees only because of the seeds these residual trees may drop into your area.

3.) If there are "practically" no seedlings, you need to set up a two or three stage shelter wood cutting plan. Your consulting forester will have to look at your area and make the detailed prescription, because I cannot do it from where I sit. The existing protective forest canopy needs to be gradually reduced in stages so that regeneration of your desirable species is optimally en-

couraged and protected until it reaches the 24" minimum height at which time it can tolerate full exposure to sun and wind. If undesirable species start showing up, you have an opportunity to deal with them.

Let me repeat what is essential to the success of starting over:

First—the nature and state of the existing seedling regeneration:

a.) how much, b.) how tall, c.) what species.

Second, (a distant second)— what is the site like:

a.) moisture conditions, b.) sun and wind, c.) depth of top soil.

I had some spectacular successes and also some dismal failures mainly from ignorance in starting over. Here are the lessons.

Success is assured if regeneration of desired species is in place and if the forest owner leaves the place undisturbed. Cut the existing stand, and leave the cut material where it fell. I walk along each tree I cut and, if I can, I free seedlings caught and bent under the fallen material. A worthwhile extra effort. I only cut major branches of felled trees which point straight up. I resist the urge to skid and similarly to "salvage" the cut material: the seedlings would get chewed up in that process and I would have defeated my purpose. The existing slash will protect the seedlings from deer. Walk away and come back in four years; you will be delighted. You will also notice that most stumps have sent up huge sprouts by then. Cut all but the straight ones leaving not more than two per stump (sprouting 6 inches or closer to the ground).

We had some time on our hands once and wanted to start over in a neat and beautiful looking way. We cut off every undesirable seedling at ground level, and it looked like a park. We did not have desirable seedlings but, being a predominantly sugar maple site, we figured that the nice seed trees we left would seed the site. We cut 75% of the big, "hopeless" trees. We skidded most of them for firewood. Three years later we were shocked to discover that all went wrong!

The 25% remaining "hopeless" trees were doing just fine. No sugar maple seedlings were in sight. Instead, all the undesirable seedlings re-sprouted from the root stock left intact by us and were doing gloriously. On top of it all, striped maple and hophornbeam were growing everywhere;

their seeds must have been in the forest litter. Beech root sprouts were coming up vigorously. You cannot do worse!

**B**ut you can learn and you should, preferably before you act.

1.) Beech, like aspen and black locust, have shallow root systems and when the soil gets warm from sunshine (as it happens when the over story of trees is removed) roots will sprout vigorously. If these trees are on your undesirable list, you have to eliminate their root systems before you cut the trees themselves. Roundup will kill the root system of treated trees.

2.) Striped maple and hophornbeam are some of the species with durable seeds in the forest litter. If they are on your undesirable list and if they are numerous, spray them with Roundup when they are about two years old. If they appear only here and there, let them be: they may be shaded out, or you can take them out as saplings later.

3.) I have no practical lessons on how to introduce desirable seedlings into your forest. If you do not see any, you are delayed and have to wait. One thing that helped me repeatedly is a technique whereby I select groups of desirable but small or struggling seedlings when I amble about my beloved forest. I bring more light to these very small groups by cutting just one or two trees which are shading them. I give the seedlings a couple of years and they will have made it. You should be constantly on the lookout for these opportunities in any case. Once you have these seedling groups, you can start cutting the over story. It will look like patch work at first and will take longer to do but it is a good way to start over.

4.) Do not underestimate the effect of scarification; i. e., the disturbance of the forest litter to mineral soil levels. If you drag a heavy chain behind your tractor, seeds will sprout there. Similarly, skidding encourages seed sprouting in the wake of the dragging activity. Turkeys scratch beau-

tifully and seemingly all day looking for seeds. Pray that they find the undesirables and help the others to sprout. Turkey scratchings, deer scrapes and squirrel diggings help seeds a lot. Activity of this kind may be needed to prepare your forest for starting over. One small section in my forest which was not scarified in any way took six years to start seedling regeneration for me.

5.) Lastly a comment about deer browsing. It is really only a problem where excess numbers of deer are in residence. They do find delicious new seedlings. But being creatures of convenience, they do not like to struggle with the slash left in the starting-over areas. Nor do I hesitate to increase hunting pressure when deer numbers grow out of the normal range. If you do not like to get even yourself, invite hunters into your forest making clear how you wish them to behave. Besides, venison is low fat, zero cholesterol, high protein food. I have mine mostly ground up for burgers, meat loaf, meat balls, stuffed pepper and cabbage. I better cut this short, my mouth is watering already!

**N**ow you know as much as I do. Practicing it is the proof of the pudding. Like a famous marathon runner once said: The hardest part is getting out the door. Keep practicing out there in your wonderful forest and count your blessings. You really do not want to be anywhere else. Starting over is a gift to the future, for the next owner of your forest. But the satisfaction and the joy are yours. ▲

<sup>1</sup>Control of Beech Root and Stump Sprouts by Herbicide Injection of Parent Trees, by L.P. Abrahamson, RESEARCH NOTES, SUNY-ESF, Syracuse.

*Peter, a representative for Tompkins County to the NYSDEC Region 7 Forest Practice Board and a Master Forest Owner, is a regular contributor to the NY FOREST OWNER.*

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# LIVING TRUSTS: FACT AND FICTION

By David J. Colligan

**D**o I need a living trust? This is a question that many of our clients ask themselves. In fact, a number of attorneys are actively marketing living trusts. If you believe that the answer to this question is simple, think again. There are a number of advantages and disadvantages to living trusts. They are a good planning tool for some people and not for others. Consider all of the issues before deciding.

## What is a Living Trust?

A trust is an agreement. The agreement is between the person setting up the trust (commonly known as the "Grantor" or "Settlor"), and the person or institution that will manage the trust (commonly known as "Trustee"). When creating the trust, the Grantor transfers assets into the name of the Trustee. The trustee is obligated by the trust agreement to hold and distribute those assets pursuant to the terms of the agreement. The person(s) that receive the income from the assets are known as "income beneficiaries." The person(s) that receive the principal assets are known by a number of terms but most commonly, "remainder beneficiaries." The income and remainder beneficiaries may be the same individuals but do not have to be. The trustee is a fiduciary. Therefore, in addition to his/her obligations under the agreement, the trustee owes a fiduciary duty to all parties.

A living trust may be revocable or irrevocable. The distinction between revocable and irrevocable trusts cannot be understated. The trusts are different in the manner in which they are funded, taxed and amended. Generally, when you hear about

living trusts in the media the reference is to revocable living trusts. Irrevocable living trusts are far more complex and therefore will not be addressed in this article.

## Reasons to Create a Living Trust.

### A. *Avoid Probate.*

The first reason given for creating a living trust is the avoidance of probate. Probate is a process by which the assets of a decedent are marshaled. Once marshaled, the duly appointed representative of the estate pays the decedent's final expenses and then distributes the balance of assets to the appropriate beneficiaries. The probate process is supervised by the Surrogate Court in the county where the decedent resided. In New York, the probate process is usually rather simple. When a living trust is created, all assets are transferred to the trustee to hold in trust. When a person dies, the trust agreement does not terminate. Therefore, if all assets were transferred to the trustee, the individual would not have any probate assets to be administered. No probate filings would be required.

### B. *Privacy and Protection.*

As discussed above, if a living trust is properly created and funded there would be no need for a probate filing. The probate records are public records. Anyone may review the Surrogate Court files. The files may contain a listing of assets, and names of relatives and beneficiaries. If a probate estate is not required the information is not available for review.

Upon the opening of a probate estate, any party that may have an interest in the proceeding is entitled to notice that the es-

tate is being opened. In addition, any individual that would be entitled to receive a share of the estate in the event there was no Last Will and Testament, is entitled to file an objection to the probate of the Last Will and Testament. If a probate filing is not required there is not a notice requirement.

### C. *Financial Management.*

Upon transfer of a Grantor's assets to the trustee, the trustee is empowered to manage the funds. If the Grantor subsequently becomes disabled, the trustee may continue the management as if the Grantor were competent. Financial institutions should not be concerned by the subsequent incapacity. Further, if a trustee becomes incompetent, an alternate may be designated to fulfill the duties of that trustee.

## Reasons not to Create a Living Trust.

### A. *A trust must be properly created, funded and maintained.*

The number one reason a living trust will not work for most people is that they fail to fund and maintain the trust. Creation of a trust may be likened to the creation of a separate entity, i.e. corporation, partnership. If incorrectly created, funded or maintained the trust will fail to achieve the Grantor's goals.

### B. *A trust is more expensive to create than other estate planning tools, i.e. Wills.*

The cost of a trust may be two or three times the cost of creating a comparable Last Will and Testament. Currently, the costs of trust creation run between \$1,500 - \$5,000. Often, people do not require this type of expensive planning. A planning alternative may be utilized to achieve the same goals without the expense. It is also possible that the expense incurred to cre-

## A NOTE ON ASSESSMENTS

Compliments to you as Editor and to David Colligan, Esq., on the article on assessments in the March/April FOREST OWNER. As an assessor and woodlot owner (retired veterinarian and dairy farmer) in a rural area, I felt it was much needed accurate information for anyone paying real property taxes in New York State.

The article did not mention a procedure that should be followed before any adversary action is taken, that is "talk to your Assessor." As stated in the article, tentative assessment rolls are available to be viewed during certain times in May. Most assessors are willing to let you see the previous roll book prior to May 1st, and will explain how they arrived at your assessment figure, and if the amount is too far out of line with other similar properties, change your assessment. Even after May 1st when they can no longer change without your going to Grievance, they may be willing to help you with Grievance forms, and agree not to challenge you if your request is reasonable.

—John J. Mettler, Jr., Copake Falls

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ate the living trust will exceed the ultimate cost of probate.

**C. Once the trust is created, the Grantor's assets must be transferred to the trustee.**

If any asset is retained in the Grantor's name alone and not transferred to the trustee that asset will not be part of the trust and the advantages of the trust will not apply. Many client's resist transferring their home to the trustee. There seems to be a comfort issue with the thought of relinquishing control of the homestead.

**D. Finally, the trust must be maintained.**

As we go through life, our financial situation changes. We buy new assets and sell other assets. Once the trust is created, to maximize its benefits, the trustee must buy and sell the assets. If assets are commingled, the trust will not achieve the desired goals. Further, the trust may be susceptible to challenge.

### **A Revocable Living Trust does not save TAXES!**

Let me repeat, a revocable living trust does not save income or estate taxes. Since the trust is revocable by the Grantor, the taxing authorities deem the Grantor to have an incident of ownership in the trust. There-

fore, all income will be taxed on the Grantor's individual tax returns and all assets will be included in the Grantor's estate tax return. The words, "Save Taxes" is included in almost every advertisement for revocable living trusts. The savings are illusory.

**A. Not all assets may be held in a Living Trust.**

Business assets may not be the best assets to transfer to a living trust. Members of partnerships often have to obtain the permission of their partners to make the transfer. Buy/Sell Agreements must be amended to recognize the transfer. Assets of a professional corporation may not be held by a trustee. In addition, retirement plans often cannot be transferred and should not be transferred due to harsh income tax treatment. Many financial institutions do not readily accept assets held by a trustee as collateral. Therefore, care must be taken prior to transferring an asset to a trust to ensure that the underlying loan is not accelerated and that the ability to collateralize the asset is not compromised.

**B. A Living Trust will save me money.**

In New York State, probate fees are relatively modest. The filing fee for an estate

under \$500,000 is \$500. Executor's commissions (fees) and trustee commissions are roughly comparable. Finally, the attorney's fees for establishing, funding and maintaining the trust are often as high as the attorney's fee for administering the estate. A true price comparison should be obtained prior to entering a trust agreement.

### **CONCLUSION:**

Living trusts have many purposes and are an estate planning tool that when properly used, funded and maintained may achieve a number of goals. The living trust is not, however, the only available estate planning tool. In many cases a living trust is not appropriate. Care must be taken to ensure that your individual purposes will be served prior to entering a trust agreement. ▲

*Dave Colligan, a member of NYFOA's Niagara Frontier Chapter, is a practicing attorney with a Buffalo law firm (Watson, Bennett, Colligan, Johnson & Schechter; 600 Fleet Bank Bldg, 12 Fountain Plaza, Buffalo 14202) and regularly provides articles on legal matters of interest to forest owners.*

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# SELLING TIMBER ON A SCALE BASIS MAY NOT BE THE BEST OPTION FOR YOU

By Gary A. Miller

The following is an interview with **Jeffrey Shaw** (a landowner and dairy farmer) who ran into unexpected financial liability following a timber harvest on his property. This was not a result of not getting paid for his wood nor of anyone getting injured, but the result of the wording in the Worker's Compensation Law. As a result of his harvest, he was presented with a rather large bill for Worker's Compensation Insurance (WCI) on behalf of the timber harvester that logged his property even though he was not the farmer's employee and no one was injured during the operation.

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to think of all of the benefits you could enjoy from having a pond or a lake on your own property. This idea could become a reality if the right conditions prevail. From our experience it normally requires favorable watershed conditions, good site conditions, owner-commitment to stewardship for enhancement of forest land values, appropriate engineering planning and design, and good construction practices.

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A scale sale is the type of sale where the woodland owner receives a percentage of what is paid at the sawmill for delivered logs. Most of the timber harvested in this state is off small private woodlands. The majority of these harvests are done on a scale basis. Due to the high cost of Worker's Compensation Insurance on timber harvesting operations, many loggers do not carry it on themselves or if they are in partnerships. Employers are required to carry it on employees, but not on themselves.

...you could conceivably sell your wood and lose money between the capital gains tax and paying WCI in addition.

**Gary Miller** - Mr. Shaw, you own an operating dairy farm. How long have you owned this property and have you ever harvested timber from it before?

**Jeff Shaw** - I purchased the farm in 1970. This is the first time anything but firewood was harvested from the property.

**GM** - What made you decide to harvest some trees?

**JS** - I realized some of the stand was now of marketable size.

**GM** - Did you contact anyone for advice before you went ahead?

**JS** - The DEC Forester

**GM** - *I was the Forester that looked over the woodland and suggested that JS go ahead with a harvest. We normally recommend the use of a Consultant Forester to mark out a sale and bid it out on a lump sum basis. In this case JS personally knew a logger who was interested in cutting this on a percentage. Normally I do not encourage this type of sale because of a lack of control on what is being removed and the dependency on the honesty of the person doing the cutting. Since I also personally knew the logger that JS referred to as doing quality work and being honest, I did not discourage him from this approach.*

**GM** - Did you contact other loggers?

**JS** - Yes, I had two other loggers which made offers on the lot.

**GM** - Did you have a contract with the logger you decided on?

**JS** - Yes, he included harvesting dates, had liability insurance, and stated the percentage of the mill price I was to receive. He works alone and therefore did not carry WCI.

**GM** - Were you aware of any potential problems with WCI?

**JS** - No. Was DEC aware of WCI problems arising from this type of harvest?

**GM** - I have not personally heard of this happening before. I called our Albany office and discussed the problem. Our Bureau Chief has never heard of anyone getting in trouble with WCI on a timber harvest of this type, but was aware the potential was there.

**GM** - When did you become aware of the WCI liability?

**JS** - During our annual audit of the farm payroll. The auditor asked to see a complete copy of our most recent income tax. The auditor claimed the following on the WCI:

1. Since the trees were not paid for before they were cut they were still my property.

2. Since the trees still belonged to me, the logger was technically my employee while they were being cut.

3. Since the logger was my employee, I was responsible for the WCI on this person while he was cutting the trees.

**GM** - What were the results of this decision?

**JS** - They threatened to cut off my WCI on the farm operation by a certain time unless I paid for the WCI on the logger while he was here.

**GM** - How much was the bill

**JS** - 51.86% of my gross from the sale.

**GM** - Did you contact anyone about this problem?

**JS** - I contacted the Farm Bureau. They have not run into problems before regarding timber harvesting, but have run into them before on contracting out farm work. I also contacted the logger and yourself, neither of you have run into this before.

**GM** - I understand that this case is not totally resolved and that you are working on some options to at least try to reduce payments.

**JS** - I requested and was granted an on

farm re-audit, which concluded with no change to my bill. I contacted the auditing Department of the State Insurance Fund in N.Y. pointing out to them, as it had been for me, that my liability to WCI should be based on the logger's gross and not mine. That they agreed to and my payment due dropped from \$4847.80 to \$1927.27.

Presently I am requesting my case be presented to the Audit Review Committee (with the State Insurance Fund) which meets on an irregular basis so the final amount of liability is not yet known.

**GM** - Thank you for this interview and I will finish with one last question. After having to declare capital gains and now make WCI payments, was this harvesting operation worth it to you?

**JS** - Had the original bill of \$4847.80 or 51.86% of my gross stood, the answer would be no. I was offered a cash payment of \$14,000 by one logger. I decided against this offer because it would have probably badly gutted our woods and severely postponed the next harvest. Even with my present bill of \$1927.29 to WCI I would have, using hindsight, given more thought to a cash up-front offer.

Also in response to your question, I have to mention how aggravating and upsetting it is to have to make numerous phone calls to numerous people with the State Insurance Fund in an effort to resolve this. My efforts thus far have saved me \$2920.51 and prompted a strong personal resolve to never get myself into such a situation again.

**SUMMARY :**

The following is from a bulletin put out by Cornell Cooperative Extension titled "Liability Considerations for New York Woodland Owners" by **Tommy L. Brown**.

"If the landowner has sold timber or firewood to a buyer who cuts the wood for his or her own use or for resale, the landowner is not responsible for Worker's Compensation Insurance. The responsibility for WCI falls upon the owner of the timber. For this reason, if the landowner is to clearly avoid liability for WCI in such cases, he or she should have a written copy of a sale document showing that the sale was completed before the beginning of cutting."

The ways to avoid the problem mentioned above is either to sell the timber with a lump sum payment up-front or to make sure the logger carries WCI on himself if there is a scale sale. The best way is to involve a Consultant Forester to mark the trees, write the contract and bid the sale out

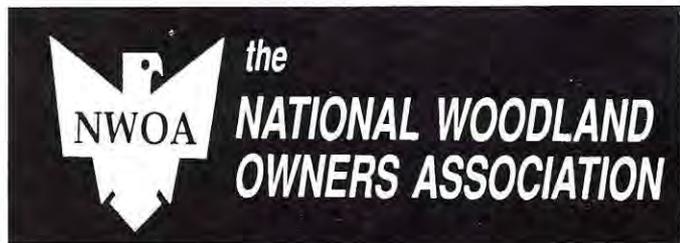
lump sum. This way everyone knows what is supposed to be done, you have the money up-front and the forester (acting as the landowner's agent for a fee), is overseeing the harvesting operation.

As previously mentioned, many loggers do not carry WCI because of the expense and many who work alone or with a partner have limited available funds to front money on a lump sum sale. If they do offer a lump sum other than on a marked sale, it will usually work out less than what the landowner would receive on a scale sale. This is because they are

only estimating what is there and are most definitely going to be on the conservative side with their offer.

The bottom line to the landowner is less money on an up-front unmarked lump sum sale or a smaller percentage on scale sale because the logger pays for WCI. This is still better than what happened above as you could conceivably sell your wood and lose money between the capital gains tax and paying WCI in addition. ▲

*Gary Miller is a NYS DEC Sr. Forester in the Herkimer Office of Region 6.*



## NWOA Offers Much

The National Woodland Owners Association is a nationwide organization of non-industrial private woodland owners with offices in the Washington, D.C. area. Membership includes landowners in all 50 states. NWOA is affiliated with state and county woodland owner associations throughout the United States.

Founded by non-industrial private woodland owners in 1983, NWOA is independent of the forest products industry and forestry agencies. NWOA works with all organizations to promote non-industrial forestry and the best interests of woodland owners. Member of: National Council on Private Forests, Natural Resources Council of America and National Forestry Association.

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— Keith Argow, Publisher

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## NYSAF WINTER MEETING— January 29-31, '97

By Robert Sykes

I was one of several NYFOA guests invited to attend the winter meeting of the New York Society of American Foresters. I came away with a great respect for the SAF organization and the members at the meeting. The two main topics for this 3-day meeting were "Ethics" and "The Maine Referendum: Lessons For New York".

The first topic - Ethics - moderated by **Jim Coufal**, SUNY-ESF consisted of a presentation followed by a roundtable workshop where 6 or 8 attendees at each of about 15 tables were assigned specific case studies in forest ethics. Each group tried to arrive at a consensus on how they should act in these situations and which canons (from the S.A.F. Code of Ethics) were pertinent. A spokesperson from each of selected tables was then asked to explain the conclusions. There was agreement on many situations but not on all. There were some cases where yes or no answers were replaced by "it depends ..." and "what if ..." I came away with a feeling that these foresters are very ethical people, that they have a deep sense of values in their profession, and that foresters have no easy task being in the middle of some very tough situations.

The second topic - The Maine Referendum - was moderated by **Dr. Russell Briggs**, SUNY-ESF and consisted of perspectives of representatives of the Maine forest industries, the state regulatory community, and

the environmental community; followed by some views on the similarities and differences in New York state.

Basically the Maine Referendum evolved because of the perception by some environmentally concerned people that "clearcutting" was destroying the forests of Maine. The referendum was a 3-way vote last November where the people of Maine were to choose:

1. the Green Party Referendum - banning clearcutting, or
2. "the Compact" (a compromise drawn up by the state) - regulating timber cutting, or
3. neither of the above.

The result was that number 2. "the Compact" placed first (47%) but not by the majority required. Another 2-way referendum is scheduled for next November.

Then came presentations by **Eric Johnson**, of Northern Logger & Timber Processor, and **Dr. Ralph Nyland**, SUNY-ESF followed by discussion from the audience regarding what we can learn from this in New York. The situation in New York has many differences from Maine.

For one, Dr. Nyland pointed out, the forestry profession and the state regulatory agencies have been working together for decades, particularly in the case of the Adirondack Park Agency.

Another difference is that in New York

a referendum at the polls must be generated through the state legislature not directly from a petition from the people. However New York does have some definite similarities to Maine - for one, most of the people live downstate and most of the forests are upstate. It was pointed out in the discussion that the "Referendum" in New York might not be at the state level but is really taking place right now in the form of town ordinances banning or regulating timber cutting particularly in downstate localities. In short, the Maine Referendum is a clear and present warning. Education and communication seem to be the best way to go. It was pointed out that in Maine most of the public were confused, did not trust or believe the professionals, and voted based on emotions rather than facts. We, in New York, as foresters, educators, loggers and forest owners need to better inform the public by preaching and practicing good forest management.

The NYFOA organization, both at the chapter level and at the state level can be a significant factor in promoting good forest practices and informing the citizens of New York that we know how to manage our forests wisely. ▲

*Bob Sykes is a member of NYFOA's Central New York Chapter and a Master Forest Owner, Class of 1992.*

By Verner C. Hudson

The three day winter meeting was held at the Four Points Hotel at Syracuse.

A focus on Ethics with round table discussions, ethics codes and a look to the future were moderated by **Jim Coufal** of SUNY-ESF. The speakers on ethics included **Samuel J. Radcliffe** from Milwaukee, Wisconsin and **Kate Robie**, a consulting forester from Atlanta, Georgia.

**Harry V. Wiant, Jr.**, President of the Society of American Foresters, Morgantown, West Virginia expressed his views on dealing with various forms of environmental activism. Some of his thoughts were to change the terminology; such as, —Use Biomass Reorientation instead of felling trees, —Species Revitalization to replace thinnings, —Ecosystem Adjustment would be more acceptable than logging, and —logging roads become Ecosystem Access Corridors.

Mr. Wyant is a renown speaker from West Virginia University. He has formally served on the faculties of Humboldt University and Stephen F. Austin State University. He has published over 200 professional articles and two books dealing with silviculture and forest inventory.

A group of six speakers from Maine gave an in-depth review of the Maine Referendum and how it could affect forestry in the northeast. Included in the group was the director of the Maine Forest Service, **Charles Gadzik** from Augusta, Maine. He noted that the referendum would likely be on the ballot again and much must be done in order to obtain more than 50% of the vote to pass this proposal of the Governor's. Others explained how the controversy began and the action of the loggers. Clearcutting is a tool of silviculture, and not always a bad thing.

**Dr. Ralph Nyland**, keynote speaker, pointed out that the Maine Referendum would not occur in New York because it would have to be proposed by the NYS Legislature to be on the ballot. It was observed that a greater detriment to ecosystem adjustment and the economy of New York State is the effects of prohibitive local ordinances.

The business meeting included the appointment of the Chair-Elect **Michael Virga** of Lyons Falls Pulp & Paper to serve as Chairman of the NY Society. Mike replaces past Chairperson **Valerie Luzadis**. The Chair-Elect is the Catskill Forest Association's Executive Director, **Dinnie Sloman**. ▲

*Vern Hudson, Master Forest Owner, has served forestry as Onondaga County's representative to NYSDEC Region 7 Forest Practice Board and as the Treasurer of the State Forest Practice Board.*

# SKIP THE WHITEWASH

By Ron Pedersen

**A**t a recent meeting of the NY Society of American Foresters, members discussed ethics and professional conflicts, such as when foresters have inside information about a former employer that might be useful to their present employer, or when a landowner insists that the consultant do something which the forester knows is not good forest management.

(So what, you ask? The NY FOREST OWNER is published for landowners, not consulting foresters. Why fill the pages with their problems?)

I think that most readers would agree that landowners are temporary stewards of a wonderful renewable natural resource, and if they mess up through bad management or no management, the disruption to the continuum of forever may take many generations to overcome. Clearly, landowners have a huge responsibility.

Foresters have a huge responsibility, too. As individuals, they love the sights and smells of the forest just as landowners do. But that is just the beginning. These college trained experts, now members of SAF, believe that stewardship of the land is the cornerstone of the forestry profession and

have pledged to advocate and practice land management consistent with ecologically sound principles.

(That's a very serious commitment. Are there comparable prerequisites for land ownership, too?)

Members of the Society of American Foresters have pledged to use their skills to benefit society, to correct untrue statements about forestry, and, if asked to deviate from professional standards, to explain the consequences.

The problem arises, for example, when a landowner insists, even after discussion with the forester, that the timber sale being planned yields the absolute maximum immediate return, without regard to tree diameter or quality or future growth potential of the stand. Such landowners are substituting their judgement for that of the trained professional, demonstrating a lack of faith in an expert and a callous disregard for the future of the woodlot.

How many people would insist that their mechanic incorrectly repair their car? Or use whitewash instead of paint on the outside of the home which their children's children will use?

In a woodlot, too, a quick fix today can

result in huge losses long into the future.

Foresters working for owners with a closed mind have a tough task. They must explain the alternatives to the landowner and suggest an approach that best meets the landowner's needs and the principles of sound woodlot management. If the owner insists on a short run, unsound approach, the forester accepting the job will work to assure that the skid trails are appropriately laid out, that stream crossings are properly handled, and that environmental damage is minimized. In short, the consultant will do everything that can be done to make the overall harvest as little damaging as possible.

The purpose of NYFOA is to help landowners understand and appropriately act upon their responsibility as land stewards. The purpose of SAF is to use the knowledge and skills of the forestry profession to benefit society. The relationship should be like a hand and a glove.

As landowners, we, too, are obliged to think, learn and act responsibly. Listen to your mechanic, don't rationalize with whitewash. Experience stewardship. ▲

Ron Pedersen is a charter member of NY-FOA and a Master Forest Owner.



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# LETTERS

## FOSTERING FOREST RICHNESS

A quick note to express my feelings concerning the wonderful article in your March/April issue of the FOREST OWNER entitled "Fostering Our Private Forest Richness." Although Norm stated the reason for his article was "to stir debate", I can see nothing in his hypotheses to do so. He has clearly and succinctly put together thoughts some of which I had difficulty expressing when I wrote in response to a John Marchant article about concerns relating to NIPFOs outside the "choir." As Norm says, "...the greatest resource richness may result from large numbers of forest owners doing their own thing according to individual values and resources..."

Let's continue to be advocates of forest owners' interests, "...seeking to open eyes and opportunities to the rich range of alternative values that can come from forest ownership." We are members of NYFOA because of mutual love and respect of our forests and our camaraderie is enhanced by this.

Maybe we should more often misquote our professional friends in order to elicit more great articles like Norm's.

—Jack McShane, Andes

*For another representative point of view see the article on page 15.*

## SPRING DANDELIONS

I thoroughly enjoyed John Braubitz' article, "Is It Spring Yet?" in the March/April issue of the FOREST OWNER. However, I am puzzled by the Dandelion Wine recipe.

If I follow the directions as printed: "(A) Place in crock Dandelion flowers without green sepals!" and "Cover and allow to steep three days", I'm pretty sure I'd end up with a nasty, slimy black mess that no amount of sugar, oranges, lemons and yeast could turn into palatable wine. Besides that...How many Dandelions? A handful? Two bushels? Something has been left out of the recipe!

Even so, this was a charming article and I enjoyed it very much.

—Betty Densmore, Machias

*The Dandelion Wine recipe called for one gallon of Dandelion flowers and one gallon of water. The article was in error also in stating that the Braubitz family only ate the roots when they actually only ate the greens and then, in the second recipe for DRESSING: It should be, (E) Heat mixture.*

## IN PRAISE OF ASPEN

Jim Engel's article, "In Praise of Aspen", offers an idea for the productive, well-directed use of that invasive plant, and that's good. Forest Owner readers should be aware, however, that other articles are being published elsewhere encouraging a misdirected use of invasive plants and that's not good. Let me explain.

The current wave of hedonistic attitudes and behavior has now spread into the plant world. It has become fashionable for gardeners to collect exotic plants from all over the world. Government cautions and established quarantine procedures are ignored and considered "silly." The growth of the movement is explosive. The New York Times, recently in an article, glamorized the idea in the creation of "Global Backyards." Upscale gardening magazines run items encouraging Aspen trees in front yards as a mark of sophistication.

No one is reminding the new wave gardeners of past tragedies such as the Dutch Elm Disease.

Predictable effects have already started. Exotics were recently discovered in Narragansett Bay and may threaten its ecology.

—Nicholas Ratti, Bristol, RI

## HELP!

As a new member of NYFOA, I have become aware of the high esteem NYFOA members have of foresters.

I learned that NYS DEC Jim Cheeseman will be retiring soon and will **not** be replaced in our region! I have written a letter to Senator George Maziarz, who serves this part of the state and in part said:

"Although the only trees we own are the six or so around our house, I have been so impressed by this group of 200 forest owners who make up the NFC NYFOA. They are fiercely dedicated to the management of the state's forest for timber and wildlife. The programs range from tours of area wood-products' firms like Fitzpatrick and Weller to an outdoor maple syrup pancake breakfast and tour of one of the member's sugar maple grove and woods.

**Each NYFOA Chapter has the need of a public forester to provide information on harvesting and management of forest land, assisting in urban areas, presenting workshops and thousands of service requests...**" [Editor's bold]

—Barbara Tucker, Kenmore

# JOINT TOUR

By Barbara Tucker

**H**ave you ever been inside a co-gen plant? How about a co-gen plant in which the turbine generator used for electricity is fueled by wood by-products of the wood products' manufacturer?

More than 40 members of the Allegheny Foothills Chapter and the Niagara Frontier Chapter of NYFOA were treated to this and more when they recently toured the facility of Fitzpatrick and Weller, Inc. Nestled in the quiet foothills of the Appalachian Mountains in Ellicottville, Fitzpatrick & Weller has been a progressive leader in the wood products industry since its founding in 1892.

The fourth generation of the Fitzpatrick family now runs the business and have succeeded through expansion and modernization.

Only the finest of quality hardwood timber is selected from 5,600 acres owned by the firm and another 6,000 acres upon which they hold cutting rights, according to co-owner Dana Fitzpatrick. The firm specializes in red oak, cherry, ash and hard maple, although other woods are available.

The NYFOA members toured the modern sawmill, the pre-driers and saw the new automatic lumber-stackers. The dimension plant, according to Dana, is geared to produce more than 100,000 board feet of hardwood components per week. Many were amazed when we saw components for staircases, kitchen cabinets, and casket and store fixture industries.

The chop saw line compliments the multiple rip saw to increase production.

Jess Fitzpatrick and his brother, Dana, sell to markets across the world. He said, in addition to lumber and dimension products, the firm also produces logs for the export market. "And we don't waste anything from a felled tree, from bark to heart."

Not only did the NYFOA members enjoy coffee and donuts upon their arrival, compliments of the Fitzpatricks, but each tour group included only about 6 to 8 people with knowledgeable guides, including the owners and officers of the firm. The small groups allowed for questions to be answered and a close look at the facility.

And the \$1.5 million co-gen plant? Chips keep it humming producing 2/3 of all the electricity used in the operation of the plant. Exhaust steam is used for process operation or for heat exchange. ▲

# KNOWING TREES

By Wayne Oakes

In September of 1991 two hikers discovered the frozen body of a man in the Alps near the Austrian-Italian border. Investigation and tests revealed that this was an almost perfectly preserved corpse of a Neolithic man who had died approximately 5,000 years ago.

Found with the body were his clothing, tools, and equipment for daily survival. Among these items, botanists have identified parts of 17 different tree species. Examination of these items made it apparent that this man knew exactly which tree would best provide for his utilitarian needs.

The table shows the identified trees and their use:

pine, and elm were all represented by small amounts of charcoal in the ember container; maple leaves were used as insulation between the embers and walls of the birch bark container; and blackthorn fruit for food.

The evidence of this find serves as a reminder that so called "primitive" man was not as primitive as some might suppose. Anyone interested in reading more about this remarkable find, may do so in THE MAN IN THE ICE by Konrad Spindler.

Writing this brief note has allowed me to think or rethink my relationship with trees. One does not have to be a "tree-hugger" to acknowledge this relationship. However, if I ever need a reminder or just

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TREE	USE
Yew ( <i>Taxus baccata</i> )	Bow, axe handle
Lime ( <i>Tilia sp.</i> )	Retouching tool, cord
Ash ( <i>Fraxinus excelsior</i> )	Knife handle
Hazel ( <i>Coryllus avellana</i> )	Backpack & quiver bracing
Larch ( <i>Larix decidua</i> )	Backpack boards & fuel
Wayfaring tree ( <i>Viburnum lantana</i> )	Arrow shaft
Cornel tree ( <i>Cornus sp.</i> )	Arrow shaft
Birch ( <i>Betula sp.</i> )	Container, tar
Willow ( <i>Salix reticulate</i> )	Fuel
Amelanchier ( <i>Amelanchier ovalis</i> )	Fuel
Alder ( <i>Alnus viridis</i> )	Fuel
Norway spruce ( <i>Picea abies</i> )	Fuel, ?
Pine ( <i>Pinus sp.</i> )	Fuel
Elm ( <i>Ulmus sp.</i> )	Fuel
Juniper ( <i>Juniperus sp.</i> )	?
Norway maple ( <i>Acer platanoides</i> )	Insulation
Blackthorn ( <i>Prunus spinosa</i> )	Food

The following are some of the tree parts and more specific use: lime bast for sewing material and bowstring; hazel branches for U-shaped backpack frame and lateral quiver bracing, the *Cornus sp.* variety most likely used was dogwood for foreshafts; birch bark and sap for container to carry embers and tar to bind arrow points to shafts; willow wood chips for long burning embers; Amelanchier, alder, spruce,

a dose of humility all I need do is stare at my fingerprints. As far as I know, primates and the Koala bear are the only animals with fingerprints. The only known function of fingerprints is to create friction while grasping tree branches. ▲

*Wayne Oakes is a frequent contributor of poetry and prose often with a focus on the trees' shadows or the echoes of the forest.*

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# MY FAVORITE TREE—*Liriodendron tulipifera*

By John S. Braubitz

Forty-four years ago this May, I was fishing along White Deer Hole Creek in Lycoming County, Pennsylvania. While casting my line into the stream, I caught it in a tree and had to try to retrieve it. As I pulled on the line I noticed some flowers up in the tree that looked like tulips. I had never observed tulip flowers blooming on a tree before. I retrieved a branch with leaves and flowers and took it back to camp. No one there seemed to know what kind of tree had flowers like this. This tantalized my curiosity and the next day I found myself at the library paging through some dendrology books searching for this tree's identity. After a lengthy search I was able to identify it as a Tulip tree. This was my first experience identifying any plant from a book. This tree continued to impress me for the rest of my life.

The Tulip tree is deciduous, and according to Harlow and Harrar<sup>1</sup>, it is one of the most valuable, distinctive trees in Eastern North America. It probably attains the greatest height (maximum 198 ft.) of any eastern broad-leaved tree and may also be the most massive (maximum diameter 12 ft.) I personally counted over 150 annual rings

in a Tulip tree cut in Fort Hill Cemetery at Auburn, N.Y., and the tree had to be at least 90 ft. tall with a diameter 4.5 ft.

Bessey<sup>2</sup>, a taxonomist and early botanist, proposed Ranales to be the oldest order of Angiosperms. In this order, the family

Magnoliaceae is one of the oldest and most primitive; the Tulip tree is found in this family. Fossil remains indicate that the genus *Liriodendron* was once widely distributed over North America. At the present time only two species are left: *L. chinense* of central China and *L. tulipifera* of the eastern United States.

The two common names for *L. tulipifera* are Tulip tree and Yellow Poplar. I prefer the name Tulip tree because the flowers it produces resemble tulips. The term poplar is misleading because the poplar tree belongs to the family Salicaceae or Willow family which is contrastingly different than *Liriodendron*.

I have never come across a comprehensive survey that listed the favorite tree of Forest Owners, but from a general survey, the kinds most frequently listed were Red oak, Sugar maple, Black walnut, and Black locust. I am not sure why the individuals selected these trees, but through this article I wanted to share with you the reasons why and how *Liriodendron tulipifera* evolved into becoming

my favorite tree.

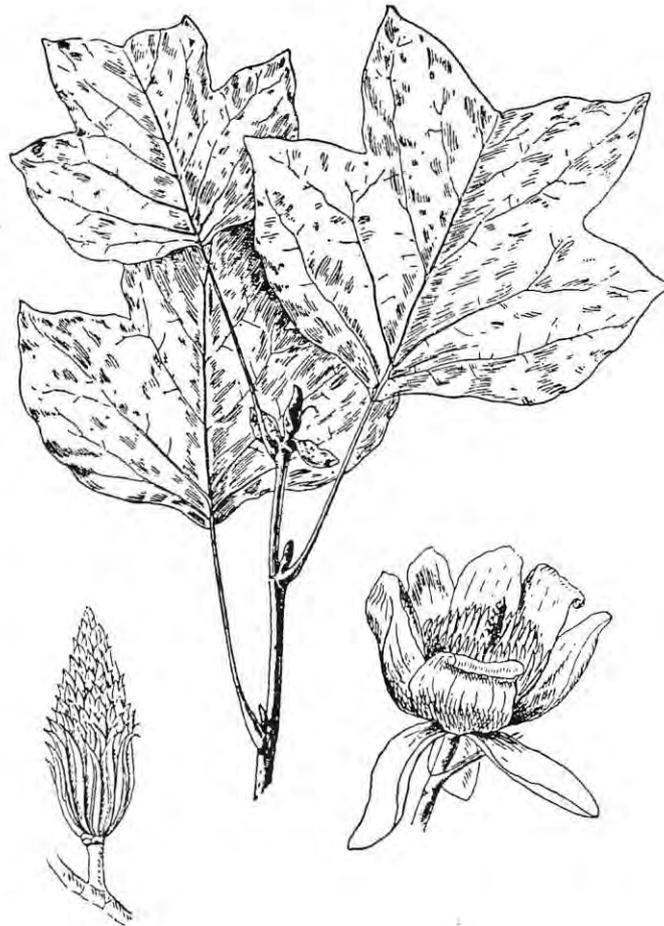
If you have a favorite tree, drop a card to the Editor [address on page 24.] If sufficient data is obtained, a legitimate survey of the favorite tree of Forest Owners can be created.

In the meantime, remember—**Tulip tree flower observation time** is approaching—mark it down on your calendar—last week of May through the first week of June. I hope you can share in one of my favorite pleasures in nature. ▲

<sup>1</sup>Harlow and Harrar; "Text Book of Dendrology"; McGraw-Hill Book Co.

<sup>2</sup>Robins and Weir; Botany, An Introduction to Plant Science; John Wiley & Sons.

*John Braubitz is a regular contributor to the NY FOREST OWNER and Professor in the Science Department of Cayuga Community College.*



There is no time of year when this tree is not a special treat to observe. In Summer it has a unique green truncate leaf that is 4 to 6 inches in diameter with 4 lobes that remind me of a bat. In the Fall it has a fruit-like structure that is erect and conical. Even after the leaves fall and the seeds drop out of the fruiting structure, it retains brackets that look like artificial flowers. Winter which provides a good view of tree stems shows the Tulip tree with a clear invariably straight bole rising to a crown dominating the canopy. The best show comes in late Spring between the last week in May and the first week of June. If you get a chance to observe the tree in full bloom during that time, you will be in for a real treat. My wife and I look forward to observing this bloom every year.

The Tulip tree is also unique because it is one of the oldest flowering Angiosperms.

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# FOSTERING FOREST RICHNESS—A RESPONSE

By Michael C. Greason

**B**efore my copy of the FOREST OWNER came last night, I had received several faxes of Norm Richard's article, "Fostering Our Private Forest Richness" and find some of his statements disturbing. I will comment on those that really caught my attention.

Most owners would accept:

Diversity of landowners, parcel sizes, past landuse history, and ownership tenure all contribute to resource richness. We have to remember that 95% of our forest owners do not look on their forest holdings as an investment. There are opportunities in having an almost infinite interacting array of variables in our forest landscape. Perhaps these variables serve as a buffer to bridge changes in both professional and societal perceptions as to what is important. But then:

Norm questions "how small can a forest be?" I have worked with many small tracts that were components of a much larger landscape. These parcels are important to me. I don't feel we can afford to ignore any forest owner nor any patch of woods. Maybe the large tract is a more efficient use of a forester's time; however, an excessive cut in a rural/urban interface zone can create a societal outcry that could lead to an ordinance that could shut down any forestry activity in a town or even a county. I own less than twenty acres and much of that is low in productivity; but I value many benefits, including wood, that my property produces as a part of a much larger landscape. And my management has served as a role model for some of my neighbors. It's too bad that some others have not followed my example; for instance, one of my neighbors—the owner of a real woodlot of 100 acres—for very little compensation, allowed a logger to slick off the timber! That neighbor is now trying to dump the land because there is no apparent future. They had purchased the land within the past decade for \$80,000 and sold the timber for \$5,000. They are going to learn some hard economics about land investment unless they find a really naive buyer. I may not qualify for 480-a, but my property will yield more wood for the next several decades than that 100 acre tract will.

Norm also takes an unfortunate shot at SIP. The Stewardship Incentive Program's primary purpose is not supporting a public forestry agency. As someone who has com-

mitted my life to encouraging landowners to actively manage resources, I bristled at that comment. My first inappropriate reaction would be to question the need for professors to teach foresters to sell practices of questionable value to landowners. But I must control my anger and respond on a more mature level. I see SIP as a catalyst using a wide array of cost shared practices to attract landowners to learn more about their resources. The most questioned SIP practice has been recreational trails that do not have to be open to the public. I have seen these trails give landowners access to their properties thereby getting them deeper into their properties than they have ventured before. Those trails have resulted in forest stand improvement, harvested firewood, and timber sales as a result of the increased landowner understanding of holistic management. The concepts of which were developed through the process of gaining a Stewardship Management Plan tailored to that owner's goals. Sorry, but I think Norm is way off base with that cheap shot!

**N**orm infers that Section 480-a of the NYS Real Property Tax Law favors highgrading because of the timber focus. DEC has not forced "state of the art forestry" because the compromise that has been deemed politically acceptable is "sound forest management" — whatever that is. DEC service foresters strive very hard to draw a reasonable line with prescriptions and management requirements. Further, there is an effort to make 480-a more user-friendly by removing the mandated work schedule and to expand goals and qualifying acreage to include "forest stewardship acreage." These are recommended changes while still retaining oversight prescriptions at the time of harvest to assure the public interest in granting a significant exemption. Historically, cheap land and low taxes have not led to widespread good forest management; however, with a well designed forest tax incentive, more landowners can be encouraged to do a better job of managing their forests. As one of the people involved in the development of 480-a, I can assure you our intent has never been to encourage highgrading.

I favor incentives and education over regulation. This approach encourages better management than what would obtain by targeting the minimum acceptable standard. I believe the DEC service forestry program

serves the public interest well by offering a source of unbiased information. I see DEC working in partnership with NYFOA and other forest owner constituencies to encourage stewardship of resources. I don't acknowledge highgrading nor justify its occurrence. I will continue to encourage better management by speaking out about the reasons not to highgrade.

The issue that I have great difficulty in knowing how to address is the letter to the editor from "Name Withheld" about consultant forestry. It relates to Norm's article. And the forestry profession is going to have to look at itself in reflecting on our professional ethic. The New York Society of American Foresters discussed ethics as a major component of our annual meeting this winter [see pages 10, 11 also 16.] The forestry profession has some significant challenges for the future. It appears that the NY FOREST OWNER and NYFOA may be helpful to the process. ▲

*Mike Greason is Newsletter Editor for NYFOA's Capital District Chapter.*

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# Will Private Forest Owners Have Any Cherry, Ash or Oak To Cut In 100 Years? Does Anybody Care?

By Jerry Michael

**N**Y FOREST OWNER readers are well aware that, during the 20th century, New York State's forests have increased from just 25%, to over 60% of the total land area. Furthermore, the valuable cherry, ash and oak component of these regrown forests is considered to be an important global resource, bringing significant economic return to the state. Why then, are many people associated with the forest products industry apparently so unconcerned about the future of this resource? Let me share a "war story" with you.

I am a member of a hunting club which owns 1500 acres of forested land in the Catskill Mountains. The parcel was purchased in the 1940's, and most of it had been clear-cut in the 1920's to provide wood for the acid and charcoal factories that dotted the landscape in those days. The club retained its first consulting forester in 1979, and has been covered by the provisions of the New York Forest Tax Law (Section 480a) since 1980. We have conducted 12 timber harvests and numerous TSI projects, all managed by one of three consulting foresters, and approved and inspected by DEC foresters. Numerous industrial foresters have also inspected our property during the course of bidding on our various harvests. Over a period of 15 years, many of our members asked these consulting, government and industrial foresters why there were no cherry or ash seedlings or saplings on our property, whereas mature cherry and ash are a significant com-

ponent of our forest. We never received a complete and accurate answer from anyone. Most of them just blamed the deer. In the meantime, they continued to mark our timber sales using the Selection system with relatively light thinning to remove some culls and release some future crop trees.

Our frustrations increased over the years until 1994, when we requested a meeting with a DEC regional forester. Once he understood the extent of our concern he explained, for the first time, the difference between shade tolerant and shade intolerant species, and pointed out that we would have to drastically change our harvesting and TSI methods, if we wanted to regenerate

In any case, the failure to discuss the long term consequences of the typical selection harvest with the forest owner is at best, shortsighted.

cherry and ash. Specifically, we would need to utilize Shelterwood or Group Selection harvesting systems to provide the sunlight required by the shade intolerant cherry and ash species.

In retrospect, as stewards of a sizeable forest resource, I suppose we should have done our homework, joined NYFOA sooner, read some of the available publications on basic silviculture, and taken action years ago. In our defense we were all

busy pursuing other careers, and we entrusted our forests in the care of professionals. We continue to be puzzled as to why so many professionals failed to address our rather specific concern—especially when it could have such profound impact on the value of our hardwood forests in the next century.

Perhaps the forest community is so used to dealing with public and small forest owner concerns about the short term aesthetic impact of heavy cutting, that they just don't bother to encourage it in appropriate circumstances. Perhaps it is short term profit incentive at work. Since Shelterwood and Group Selection systems are labor-intensive, loggers may not be interested in bidding on such a sale unless they have a good market for firewood and/or pulpwood. The same rationale might apply to the consultants, whose commissions could also be impacted by lower bids on such harvests. In any case, the failure to discuss the long term consequences of the typical selection harvest with the forest owner is at best, shortsighted. I would go so far as to call it malpractice.

**S**o what have we done since our belated enlightenment by the DEC? First, we decided to get a fresh start by retaining a new consulting forester. We interviewed several candidates, and chose one who had experience with a variety of harvesting systems, and with whom we felt we could establish close rapport and good communication. Our new consultant recommended the Shelterwood system for our 1994 and 1995 harvests, each of which covered approximately 40 acres. We removed

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about 60% of the overstory, leaving cherry and ash seed trees which will be harvested in another 5 to 10 years. Thanks to the sunlight and a couple of rainy spring seasons, we already have a lot of regeneration in these stands. The deer are browsing the seedlings in the open, but the heavy cut produced lots of brush, and the seedlings coming up through the brush piles are already two to three feet tall. We have also built an eight foot high deer enclosure fence around a one acre parcel within these stands, and will be able to measure the actual impact of deer browsing by comparing the areas within and outside the fence.

Some of our members had reservations about the aesthetics of the Shelterwood system, as well as the impact on hunting accessibility, so our 1997 harvest has been marked using the Group Selection system. This will result in many small clear-cuts, averaging 150 feet in diameter, with desirable seed trees on the perimeter. We will sell the saw logs and pulpwood harvested from the clear-cuts, and there should be plenty of brush left behind to discourage the deer until the new cherry and ash grow out of their reach. We will also harvest economically mature sawlogs outside the boundaries of the clear-cuts as part of this sale.

Over time our club will have the opportunity to see what works best for us, in our particular situation. We are determined to do whatever it takes to ensure the health and diversity of our forest, which we expect will maximize its economic return through the next century.

Readers interested in more information on this subject need look no further than the January and May 1991 issues of the NY FOREST OWNER. Robert Demeree's excellent two-part article entitled "Clear-cuts: Myths, Madness and Controversy" spells out the problem and the various alternative

solutions in great detail.

Given the lack of awareness of this issue among typical private forest owners, I would encourage NYFOA to republish the Demeree articles, or to offer reprints on request [contact the Editor.] I only wish the information had been readily available to us two decades ago.

I would like to close this article by restating a question and offering a challenge. Is a lack of adequate pulpwood/chipboard/firewood markets the primary reason why those in the forest products industry are not actively promoting harvesting systems that encourage the regeneration of shade intolerants? If so, shouldn't the state and industry associations be working together to encourage the expansion of such markets? Wouldn't such a strategy have both the short term benefits (jobs, profits, tax revenues) as well as helping ensure that New York's valuable hardwoods will contribute to the state's economy in the next century? ▲

*Jerry Michael is secretary of NYFOA's Southern Tier Chapter and a Master Forest Owner.*

## RON PEDERSEN APPOINTED TO NATIONAL SFI<sup>SM</sup> FORUM

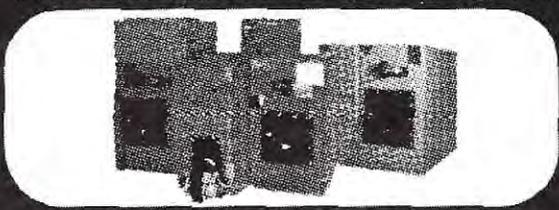
Ronald Pedersen, NYFOA Director from the Capital District Chapter, has been appointed to the National Forum on Sustainable Forestry. This group has been established by the American Forest and Paper Association (AF&PA) to further guide the AF&PA's Sustainable Forestry Initiative<sup>SM</sup> [See NY FOREST OWNER: 35,2;17].

John Marchant, former Executive Director of NYFO, was on the Forum during the development of the Sustainable Forestry Initiative; it is appropriate to choose a NYFOA Director who is also a Certified Tree Farmer. There will be four or five landowner representatives to the Forum submitted for appointment by the American Tree Farm System.

The next meeting of the Forum and the representative loggers, landowners and forest products industry will be in late June in St. Louis, Missouri. There are two meetings each year.

"...our goal with the SFI is not only to continually improve how our member companies practice forestry, but also to broaden the practice of sustainable forestry among private non-industrial landowners and loggers."—John Heissenbuttel, AF&PA

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# Land has always fascinated me...

By Don Huber

There is a beauty and vitality to land which inspires the mind, fills the heart and stills the soul of man. What we expect the land to do for us is a complete list of the fundamental needs of the human being. It is not surprising that the need for land has been the source of war and hot debate.

Our basic dependence on land for our lives and the current public discussion of the use of land has caused me to struggle with the question: What are my responsibilities as a rural landowner?

When the opportunity to own land first presented itself to me, I was led almost exclusively by the heart. Land ownership had been a life long dream sparked by weeks of tent camping as a boy and a long standing love of trees and wildlife. I quickly realized this sixty-five acre rectangle of land was much more than a dream to be fulfilled and would require at least as much knowledge as love to be owned responsibly. As I walked the property, which is principally a farm field left to return to woods over the past sixty years, I was impressed by the opportunity, awed by the power my decisions would have over the lives of the forest and its inhabitants and humbled by my lack of knowledge. After a thorough evaluation, I realized that this property was a blank canvas on which I could paint my understanding of ecology, environment and communal responsibility. I formulated a plan of action that has three basic elements.

**The first element is assessment.** What do I currently have available to me on the land? What wildlife do I see? What types of trees do I have? What type of soil do I have and what will grow on it? How many food bearing plants and trees do I have and how much do they produce? What animals use this food and hide and live in these plants and trees? Are there water sources; creeks, springs, wet areas? What is the topography of the property? Is there junk on the land, an old farm dump or a spot that has been used as a dump while the property has been vacant? I carefully made a rough map of the property showing significant stands of trees, water sources, brushy areas, meadows, etc. I then asked a local Department of Environmental Conservation Forester to help me with the assessment. He was extremely helpful and his service was free. He took my ideas and

helped me understand what was possible and what was not, given my resources. He also helped me with a management plan which is needed to become part of any government cost sharing program.

**The second element is education.** If I am to manage my property in a way that will be environmentally sound and responsible I needed to know more, much more. To this end I did three things that were extremely beneficial. First, I joined the county extension and met the various agents at the county extension, soil conservation and the farm service agency. I received everything from soil maps to aerial photographs. I have been back to these agencies many times. Then I joined the New York Forest Owners Association (NYFOA) and met a group of individuals who had years of experience doing just what I hoped to do. The newsletter and state wide magazine they publish are informative and practical but the best part of belonging to NYFOA is the people. The members are genuinely interested in helping others accomplish their goals with their property. They host regular seminars and woodwalks that are educational and fun. Seeing how a pond looks on someone else's property or knowing what a particular shrub looks like when full grown was very helpful to me when making decisions for my own land. Finally I took a Cornell University Home Study Program called Woodland Management. This program helped me to understand how a piece of property lives and grows and how the various elements interact. It also helped me to understand the terminology used by foresters and biologists.

After completing the general assessment of the major features of my property, I was able to divide the land into four basic compartments which could be managed individually to yield an environmentally diverse whole. I resolved to use forest thinning and improvement techniques on the area with the highest quality and oldest trees to yield saw timber in the future and firewood now. The area that was brushy and grassy would be set aside for a pond and meadow. The area with the best food producing trees and shrubs would be managed for wildlife by releasing the food bearing trees and shrubs, opening small meadows and building brush piles. The fourth area was all pole sized trees. This area would be left alone to grow.

Now, I could put the **final element of my plan into action, the work.**

First, about ten pickup trucks full of tin cans, assorted trash, barbed wire and tires had to be removed and taken to the dump. Then, with the help of a forester, I culled the less desirable trees from my saw timber area. This has provided me with open spaces to plant food producing hardwoods that were not present on the property; such as, Oak, Chestnut, Butternut, and Walnut. It has also released my Cherry, Sugar Maple, Red Maple and Ash trees to grow at a faster rate. The firewood has, as Thoreau said, "warmed me twice". A few of the cull trees had enough straight sections to yield some lumber. I have released some of the fruit trees and shrubs that were overgrown and opened small areas in the woods and pines for wildlife. My ruffed grouse population has quadrupled; there are more meadow birds singing; and we have seen rabbits and fox where they have never been before. A pond stocked with bass and perch and a three acre field planted with clover, timothy and birdsfoot trefoil now grace the area that was once scrub brush. The pond dike is planted with lathco flat pea and we regularly see turkey and deer. Of course, the elements of work, education and assessment are never completed. Each project that is undertaken requires new learning, changes the assessment of what is available and opens new opportunities for work.

Watching others who are interested in viewing my canvas enjoy the property as we learn the basics of land management is the proof that the work is worth it. Knowing that in the future my trees, after they have grown into harvestable timber, will be useful and satisfy human needs gives me the desire to keep working.

For me this is the purpose of land ownership: *To provide for others the renewable resources that give quality to life, educating the next generation about how woods and fields, mouse and fox, water and soil interact to create an ecosystem, allowing the beauty of creation to shine into the depths of our souls and bring us peace.* ▲

*Don Huber is Chairperson of the Allegheny Foothills Chapter and a Master Forest Owner (Class of '96).*

# NY'S PROPOSED ROUNDTABLE CONFERENCE

## —SOME SUGGESTIONS

By Henry S. Kernan

More than one year ago the Seventh American Forest Congress dispersed, having generated much good will among participants and many hopes for the visions and principles with which the four-day meeting had concluded. Further action in each state would then adapt them to local circumstances and carry them forward.

Plans for such action are underway in New York, starting with a wide ranging roundtable conference on our state's forest resources. The purpose is to encompass many viewpoints and interests in defining issues and reaching a workable consensus toward their resolution. The task is daunting. Our 18.5 million acre forest has many complexities, both social and biological. Moreover those who attend a conference on forest resources are sure to feel strongly about them. A gathering of several hundred may lose coherence to the point of no more than partially agreeing upon statements of fact and hope. The Seventh American Forest Congress, itself, took the time and attention of several thousand members at a cost of over a million dollars to conclude, among much similar, that soil productivity is a basic component of forest health, and that natural resource issues should be resolved by peaceful means.

To keep on track the proposed forest conference might well give first emphasis to the opportunities which the recent inventory of NY's forest resources has revealed.

Two years ago the US Forest Service completed and published such an inventory. The roundtable can therewith proceed from a factual base of impressive proportions, detail and accuracy. New Yorkers can, on the whole, take considerable satisfaction in what the inventory reveals. Forests are still spreading over land no longer needed for farming. Their trees are larger than a decade ago, and their volume has increased by 32% since 1980. They are adding three times as much timber to their volume each year as is being removed. The adverse factors of wind, fire, insects, fungi, theft and high-grading still do not add up to widespread and irreversible destruction.

Therefore those who will have gathered at a forestry conference will not be there to head off a crisis, and they will need not to give attention only, or even primarily, to

“hot spot” issues that embroil pocketbooks and emotions. They will be there because forest resources within the state are expanding, and what those forest resources can provide in increasing quantities, water, timber, beauty, wildlife, recreation and much else, are important to our affluent, mobile way of life. The inventory has revealed several silvicultural trends, be they problems, challenges, or opportunities.

...we have an imbalance of age classes whereby too few seedlings and saplings are replacing the older age classes...

For one, we have an imbalance of age classes whereby too few seedlings and saplings are replacing the older age classes that disappear through harvesting and natural causes. More forest stands are approaching and entering into the old growth condition, with fewer seedlings and more exposure to the hazards of wind, fire, insects and fungal attack. Logging as generally practiced leaves an overstory of poor quality whose shade inhibits the survival of thrifty seedlings.

For another, the composition of the New York forest is changing in ways that we can influence if we so choose. Red Maple is displacing sugar maple as the leading species in number and volume. Red oaks are holding their own, but white oak volume is on the decline. A functioning forest ecosystem has a place for all species. Never

Red Maple is displacing sugar maple as the leading species in number and volume.

theless we do have preferences and can make choices, be they for baseball bats, for autumnal foliage, or rotting logs that shelter newts and salamanders. We probably prefer sugar over red maple and oak over beech, and we do have the choice.

Third, we New Yorkers are growing

three times as much volume of wood on our timberlands alone (not counting the forest preserves) as we are taking out. That circumstance suggests that we can increase logging without depleting the resource, if we have need and choose to do so. The ratio also suggests that we can leave intact more steep forested slopes, more and wider buffer zones along streams; we can encourage woodcock with poplar and with courtship clearings; and we can retain forest stands for what they contribute to the landscape, for the rarity of their species, for the size of their trees, and the sheer beauty of their presence.

Fourth, the inventory indicates that our forests have many trees and large volumes of wood whose removal can, to a significant degree, further the forest values we may wish to promote. Overstocked forests have disadvantages. They produce less wood, less water, less mast, less browse on the forest floor. They produce less light-demanding, high-quality ash and cherry. They are more subject to windthrow and, being in poor thrift, are more subject to insect and fungal attack. New York has over four million acres of such overstocked stands. Of over 2.4 billion trees five inches or more in diameter, one-fifth are dead, cull, or of noncommercial species. Those quantities are enormous, enough to house our wildlife and to keep our home fires burning for many years to come, even at nearly a million cords a year.

The above are only some of the opportunities which the proposed forest conference may choose to consider. ▲

*Henry Kernan is a consulting forester in World Forestry, a Master Forest Owner and a regular contributor to the NY FOREST OWNER.*



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# THE ASIAN LONGHORN BEETLE

## —A POTENTIAL THREAT TO MAPLE

By Douglas C. Allen

I want to bring this particular insect to the attention of forest owners, not to unduly alarm you, but rather to make you aware of a potentially serious situation. This introduced pest was first observed in the northeastern United States during August, 1996 in the Brooklyn area of New York City. Its potential as a serious tree pest, however, extends far beyond the City and its environs.

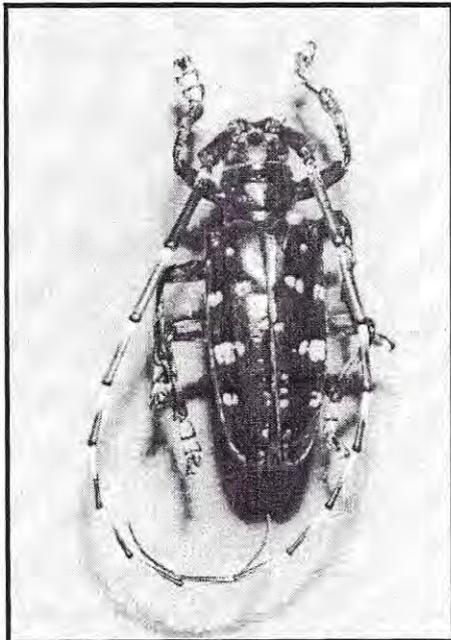


Fig. 1 The Asian Longhorn Beetle.

### WHY THE CONCERN?

Three characteristics of the Asian Longhorn Beetle have alarmed scientists in the northeast: maples (all species of *Acer*) appear to be among its favored hosts; unlike most woodborers of this type it readily attacks, and eventually may kill, what appear to be healthy trees; and, as is the case with most introduced pests, the absence of effective natural enemies combined with an abundance of susceptible trees and very favorable climatic conditions are prime ingredients for a very high reproductive potential.

Maples are the most abundant trees in many of our urban areas, and their removal and replacement can be costly. Similarly, sugar maple has an important ecological and economic position in many northeastern hardwood forests.

### ORIGIN OF THE PROBLEM

Brooklyn is a major port that receives shipping from overseas. Available evidence indicates that the beetle entered here in wooden dunnage (braces used to support cargo) that accompanied steel pipe flanges imported from China. The wooden timbers used were made of poplar, a favored host for this insect in Asia.

### THE INSECT

Asian Longhorn Beetle, *Anoplophora glabripennis* (an-know-plo-fora gray-bren-iss), is native to northeast Asia and is especially common throughout Korea, Japan and southern regions of the Peoples Republic of China.

The adults are handsome insects 0.8 to 1.3 inches long with conspicuous antennae that exceed the length of the body. They are shiny black with distinct white spots and each segment of the antenna is banded with black and white (Fig. 1).

Larvae (the immature stages that excavate galleries in wood) are white, fleshy, legless, distinctly segmented and approximately two inches long when full grown (Fig. 2). The worm-like larval stages differ mainly in size; very small when first emerging from the egg and becoming progressively larger with age.

### DAMAGE

The first indication of attack is the appearance of oval to round bark wounds 0.4 to 0.5 inches in diameter (Fig. 3). These



Fig. 2 Mature larva.

are egg laying sites prepared by female beetles.

Larvae emerging from eggs placed in the

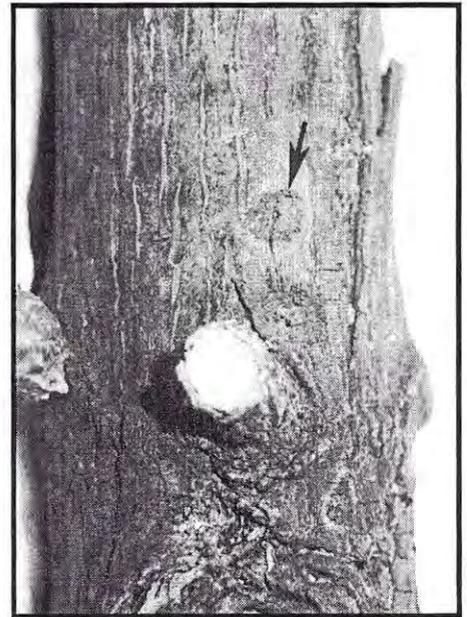


Fig. 3 Egg laying site (black arrow).

center of each circular opening bore into the wood beneath. In doing so, eventually they produce conspicuous accumulations of bright white frass (a mixture of wood chips and fecal matter) which commonly appear at the base of the tree or adhere to bark on the upper surfaces of large branches.

Heavily infested portions of a tree or branch have loose bark, exposed sapwood and conspicuous adult exit holes approximately 0.4 inches in diameter (Fig. 4).

The first symptom of damage is the appearance of dead and dying branches. Eventually, both sapwood and heartwood of heavily infested trees are riddled with galleries (Fig. 5) and infested branches and tree trunks may become very susceptible to wind breakage. Beetle larvae are able to invade the tree trunk at any location from ground level upwards, as well as branches as small as 1.5 inches in diameter. Trees that are attacked repeatedly for several years eventually die once the main stem is severely damaged.

### BIOLOGY

To the best of our knowledge, there is only one generation each year. Adults are active from mid-June until October. Lar-

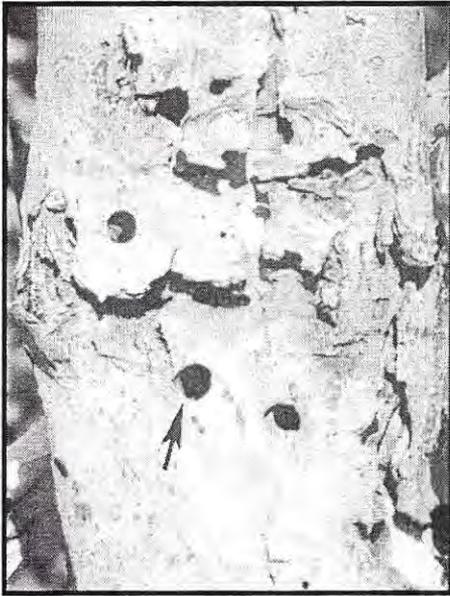


Fig. 4 External signs of damage; loose bark, exposed sapwood and adult emergence holes (black arrow).

vae overwinter within the galleries and transform into adults sometime during early summer.

We are uncertain about how far beetles are likely to disperse. However, circumstantial evidence indicates that they probably move only short distances from the host tree. We suspect that New York's infestations became established sometime in the early 1990s. The fact that the current known distribution in New York is confined to two relatively small areas indicates that the population has spread slowly.

This wood borer is capable of attacking more than 50 species of trees; including maples, poplars, willows (these are the three most common hosts in China), black locust, plum, pear, and horsechestnut. In New York City, Norway maple, sugar maple, boxelder maple, and silver maple seem to be preferred.

### CORRECTION

In the last article, "Scale Insects With a Hard Covering" [March/April] there is a significant typographical error on p. 20, second column, line 10. As published, the text indicates that winged, male scales are different from most winged adult insects because the scale has a single pair of legs. It should read -" Males ... of some species ... have a single pair of wings." My apologies, I should have caught this!—Editor

### CURRENT SITUATION IN NY

There are two known infested areas in New York, the site in Brooklyn mentioned above and a second area in the vicinity of Amityville on Long Island. Shortly after the beetle was discovered in 1996, personnel from several city, state and federal agencies combined forces to attack the problem. The U. S. Department of Agriculture, Plant Pest Quarantine (PPQ) group within the Animal and Plant Health Inspection Service (APHIS) and the City of New York Parks and Recreation Department have been especially responsive by surveying the infested areas and identifying trees that have been attacked.

A Project Management Team was appointed during the fall of 1996 to coordinate efforts aimed at containing the infestation and to organize surveys for beetle infested trees. Also, a Science Advisory Panel was convened to evaluate what is known about the beetle in Asia, to assess the most current information regarding New York's situation and, based on this, to recommend pest management strategies and identify needed research.

Following much deliberation and review of available information, it was decided that the immediate removal and destruction of all trees known to be infested (a total of

approximately 900 in Brooklyn and Amityville combined) should be the first step in an integrated approach to contain the problem. This work currently is underway at both sites and should be completed before adult emergence begins in 1997. Plans are being formulated to intensify survey efforts this summer. Additionally, it was determined that research is needed to more carefully document the biology of the Asian Longhorn Beetle in New York, to improve survey methods and to develop direct control measures.

### BE ON THE ALERT

If you notice unusual wood borer damage to maples on your property or encounter beetles resembling the one depicted in Fig. 1, contact your local office of the Department of Environmental Conservation immediately. ▲

*This is the 32nd in the series of articles contributed by Dr. Allen, Professor of Entomology at SUNY-ESF.*

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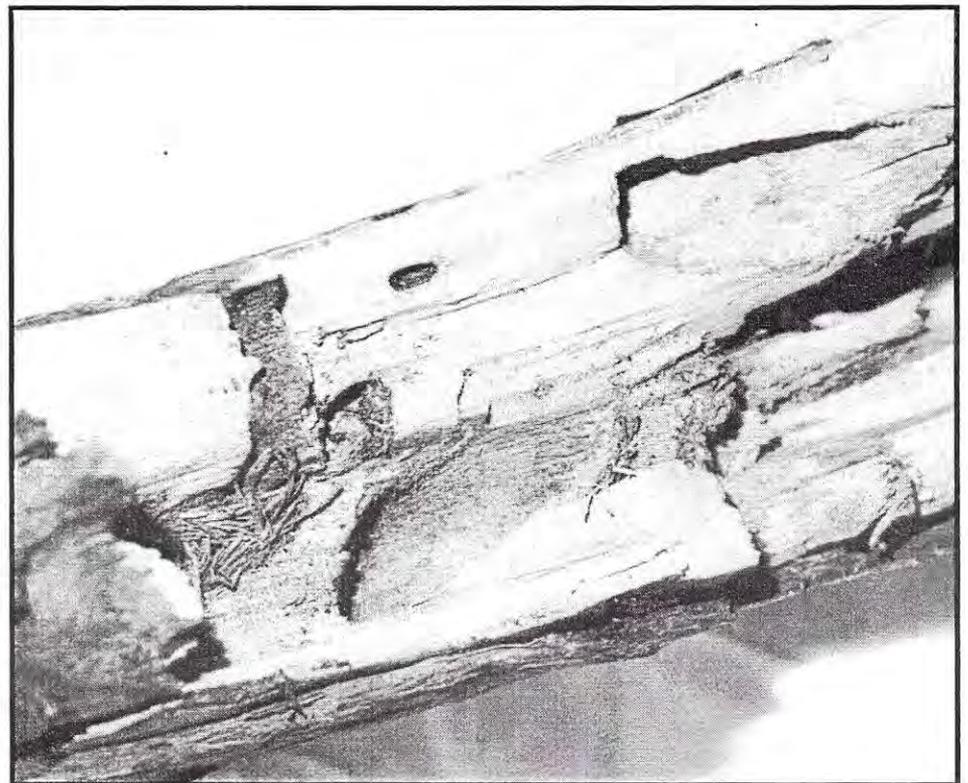


Fig. 5 Extensive damage to the interior of a large branch. The Gallery is 0.5" wide.

# THE BIG GINKGO

By Jane Sorensen Lord, Phd, OTR, ND

Last fall I was walking on Beekman Place in New York City to see a patient. Beekman Place is one of the fanciest addresses in the City's Upper East Side. So I was surprised to see a Chinese man swinging at the branches of one of the street's trees with a house broom.

The trees there have fancy plantings with wrought iron borders to keep dogs off. The man had to contort himself in order to get solid hits at the base of the branches...quite an amusing and unusual sight.

Then I saw the Chinese lady scurrying around the luxury cars parked near the curb. She gathered the fruits of the man's labor from the trunks and hoods of a Mercedes and Lexus as well as from the ground.

I looked up at the trees—all ginkgos. So they were harvesting ginkgo fruit!

I like ginkgos a lot. They are popular street trees and I had learned from a forester during my tenure on the NYS Tree Farm Committee that only the males were preferred as street trees because the seeds

produced by the females have a rank odor if left to rot.

I drove by a female ginkgo in Brooklyn once. She was laden with fruit that looked like white cherries. Several Chinese were collecting from her, too; but I would have assumed that Manhattan, let alone a ritzy neighborhood, would bar fertile females.

This time, on foot, I could slow down and really see what was going on. The tree was absolutely covered with fruit hanging between the fan shaped leaves. The lady had already two plastic shopping bags full, that I could see, and she hadn't made much of a dent yet.

My curiosity overtook social protocol and I walked up to the couple.

"What are you going to do with them?"

They didn't understand me. Then the doorman stepped out of the entrance of the building graced by the tree.

"They come every year. They don't speak English, much, but I've learned they cook them four hours and eat them."

"What part?"

"I don't know."

On a flyer, when I got home, I called my friend Ozzie who did a tour in Vietnam, studies martial arts, still, and spends a lot of time in Chinatown. More importantly, he also writes cook books and has an interest in unusual food.

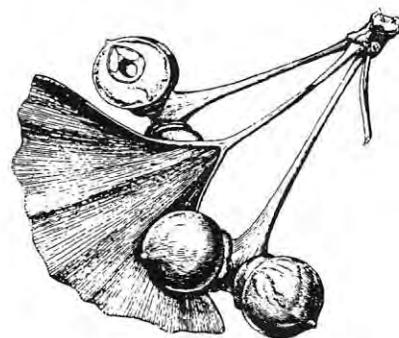
He told me that the Chinese ate both the fruit and the seed. They use the juice to produce "a complexion like fine porcelain."

I begged him to try to get a recipe. He said he'd try, which he did, but couldn't.

The next morning I went back to the tree with a couple of freezer bags. I filled them with the fruits which had dropped into the small tree garden. Close up they looked like Siamese twin cherries, two round nickel sized fruits joined together, sharing a stem. They were fleshy and slightly wrinkled.

At home, I stuck one bag in the freezer, washed and emptied the other bag into a sauce pan, covered the fruit with water and turned up the heat. When the pot started to boil, I lowered the flame and let them simmer for four hours. They smelled fruity but the odor was not bad.

When the ginkgo fruits were done and cooled, I ate some. They were great! I hadn't added sugar and they were naturally



sweet enough. Their texture and taste were remarkably like a cooked white cherry. They were fleshy and filling. But the seeds were softer than cherry seeds, with outside shells that had cracked open. The taste of the round nut inside was sort of pistachio-like, and, I think, would have been better roasted.

The juice was pinkish, quite attractive. I tried it on my face instead of my moisturizing creme. It tingled and in a couple of hours exfoliated. Most likely an alpha-hydroxy, I decided, so I souped it up with NaPCA and glycerin to thin it, make it attract and hold moisture, as well as preserve it. I've been using it at night all winter. (I use oilier compounds with oils and beeswax when I am out during the day.)

All in all, the female ginkgo was quite a discovery! Fruit, nuts and beauty, naturally, in the middle of Manhattan.

About two weeks later, when I opened my fridge one morning, a strange smell wafted out. The other ginkgo fruits had turned in spite of freezing! No longer edible, I decided immediately. But on visual inspection, they weren't rotten or mildewed so I decided the seeds were still viable. I had to triple bag them to stifle the smell and save them for spring planting.

I'll start them in beds, then plant them out in a few years. And, if I'm lucky, when I'm 75 or 80, I'll have my own ginkgo orchard!

And I'll always cook the fruit before I freeze them. ▲

*Dr. Jane, a regular contributor, is a Master Forest Owner and Certified Tree Farmer. She has a private consulting practice in Occupational Therapy and Naturopathic Medicine and teaches on the faculty of Health at Indianapolis University.*

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Moravia, NY 13118  
Fax/Phone (315) 497-1078  
richard\_fox@nyforest.edu

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