

The New York Forest Owner

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**THE NEW YORK
FOREST OWNERS
ASSOCIATION**

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Officers & Directors

Ronald Pedersen, President
22 Vandenburg Lane,
Latham, NY 12110; (518) 785-6061

Jim Minor, Vice President
22 Bryn Mawr Road
Rochester, NY 14624; (716) 247-7069

John Druke, Secretary
6341 Kirkville Road
Kirkville, NY 13082; (315) 656-2313

Jerry Michael, Treasurer
4 Leonard Lane,
Binghamton, NY 13901; (607) 648-2941

Deborah Gill, Administrative Secretary
P.O. Box 180
Fairport, NY 14450; (716) 377-6060

Joan Kappel, Chair Editorial Committee
P.O. Box 646
Altamont, NY 12009-0646; (518) 861-8753

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Charlotte Baxter, Southern Tier; (607) 967-8516
Peter Smallidge, Southern Finger Lakes; (607) 255-4696
Chuck Winship, Western Finger Lakes; (716) 223-4619

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**The New York
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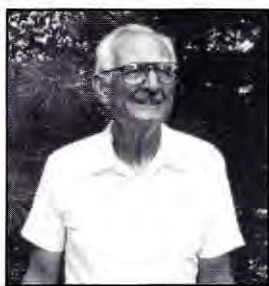
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COVER: Photo of a deer enclosure at Jack McShane's in Delaware County, as part of the '99 MFO/COVERTS refresher workshop. Note the density and height of the aspen inside the enclosure in comparison to outside, after just two years. Deer definitely impact forest regeneration! Photograph courtesy of Gary Goff.

From The President

New York's private forest landowners need to be grateful for the foresight and generosity of many who came before us. We are the beneficiaries of the vision and commitment of those that have made possible our teaching and demonstration forests, such as Pack Forest and Arnot Forest, as well as other sites in the state.

The Charles Pack Demonstration Forest in Warrensburg, NY is one of several properties in the Adirondacks under the jurisdiction of the SUNY College of Environmental Science and



Forestry in Syracuse. Last September, Pack Forest was the site of NYFOA's statewide Fall Program. Through the hands-on field

activities, many of us saw, and discussed, the results of years and years of management, learning from the same trees and experiences that help to train forestry students.

Cornell's Arnot Teaching and Research Forest, a 4,000 acre property a few miles south of Ithaca, NY is another very special place. But don't take my word for it, ask any Master Forest Owner Volunteer—MFOs know Arnot Forest as a classroom. The Arnot Forest and the Master Forest Owner/COVERTS program are among the responsibilities of the Department of Natural Resources in the NYS College of Agriculture and Life Sciences. Arnot plays a key role in Cornell's integration of teaching, research and extension in natural resources.

These properties are huge laboratories for study and experiments in forestry, wildlife, and other aspects of natural resources. Like other laboratories, they win some and they lose some, but as private landowners, we win in either case. If a practice works

well and passes the test of time, we can act on that information; if an approach that seemed to hold promise fails for some reason, we can benefit from that information as well.

On June 9th, the NYFOA Board of Directors held its regular meeting at the Arnot Forest. I want to note two items of particular interest that were discussed and acted upon.

The Board adopted a plan for "introductory" memberships in NYFOA at a discounted price, an idea that stems from the experience of members who have staffed booths and information tables at fairs and other events. It is our hope that introductory memberships will encourage parties who stop at a NYFOA or MFO display to sign up for NYFOA membership, as a means to receive further information, contacts and encourage them to seek any further help in achieving their objectives. The Board plans to have the needed materials available in time for this summer's fairs.

The second new initiative stems from a suggestion from the Western Finger Lakes Chapter that NYFOA provide gift memberships. The goal is to make it convenient and economical for present NYFOA members to purchase gift memberships for others they feel would benefit from belonging to NYFOA. Readers can expect to see notice of the availability of gift memberships and ordering opportunities in the *Forest Owner* this fall.

NYFOA's central objective remains to reach private landowners, introduce them to avenues of information, and help them to identify and implement sound natural resource practices designed to meet their personal plans and objectives. Greater circulation of the *Forest Owner* is one way we can help to achieve this.

I wish you all a safe, fun, and productive summer.

—Ron Pedersen
President

Join!

NYFOA is a not-for-profit group of NY State landowners

promoting stewardship of private forests. Stewardship puts into practice knowledge of forest ecosystems, silviculture, local economies, watersheds, wildlife, natural aesthetics and even law for the long term benefit of current and future generations. NYFOA, through its local chapters, provides this knowledge for landowners and the interested public.

Join NYFOA today and begin to receive the many benefits including: six issues of *The New York Forest Owner*, woodwalks, chapter meetings, and two statewide meetings for all members.

I/We would like to support good forestry and stewardship of New York's forest lands

I/We own _____ acres of woodland.

I/We do not own woodland but support the Association's objectives.

Name: _____

Address: _____

City: _____

State/Zip: _____

Telephone: _____

County of Residence: _____

County of Woodlot: _____

Referred by: _____

Annual Dues (Please Circle One):

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<i>(please provide copy of student ID)</i>	
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In The MAIL

Professional Foresters

"Only professional foresters can design and implement a forest management plan to manage the equity in your woodlot," by NYS DEC Sr. Forester Ron Cadieux in the March/April issue of the *New York Forest Owner*, 39:2. This may be true on paper but the majority of plans currently pursued by consultant foresters results in "high grading." Selling timber by marking only the saleable timber, leaving the culls and receiving a percentage of the sale price is not silviculture but timber brokering.

I have managed some 400 acres for over forty years and enjoyed the profits from several sales of high quality timber. I believe there are other ways to learn forest management other than the pathway of formal education.

As for my experience with consulting foresters, if you feel you "must" use one, get references from satisfied woodlot owners with successful sales in your area. When the NYS DEC foresters did the marking for timber sales, it was not done anticipating a percentage of the sale and could only be done according to silvicultural practices: i.e., by removing the culls. It seems to me that the NYS DEC, by recommending the consultant forester and knowing their work is often detrimental to the woodlot, is providing a disservice to the wood lot owners of New York State.

—Wendell Hatfield,
Past Chairman of the
Cayuga Chapter, NYFOA

Letters to the Editor
may be sent to:
The New York Forest Owner
134 Lincklaen Street
Cazenovia, NY 13035
or
via e-mail at
mmalmshe@syr.edu

NYFOA Scholarship Fund

As of June 1, 2001, the NYFOA Endowed Scholarship Fund that is administered by the SUNY ESF College Foundation, Inc. has a fund balance of \$21,608.85.

Bruce E. Robinson, Inc.

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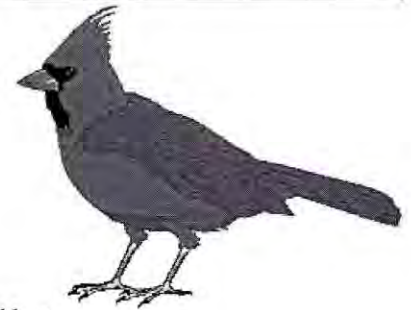
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How To Remember Bird Songs

CHRISTINE TARSKI



While birdwatching or on a birding trip, many times the birds refuse to come out onto a branch where they can be seen. How many times have you heard a bird but have been frustrated because no matter how diligently you search for it, you can't quite see it. It's times like that when being able to identify a bird by its song is invaluable. Sometimes just knowing the species will give you clues of where to focus your binoculars to see the elusive feathered creature.

Simple phrases can help you remember what bird sings which song. For instance, I remember the Eastern Meadowlark's song as, "*Spring-of-THE-year!*" However, you might hear the song a bit differently since different people hear varying types of pitch and sound.

Listed below are other phrases you can use to help identify North American birds. Remember, a little imagination helps.

- American Crow
Caw, caw, caw
- American Goldfinch
Po-tato-chip
- American Kestrel
Clee, clee, clee, clee
- American Pipit
Pipit, pipit

- American Robin
Cherry, cherry, cherry
- Barn Swallow
Tit, tit, tit, tit
- Barred Owl
Who cooks for you? Who cooks for you-all?
- Blue Jay
Jay, jay
- Carolina Chickadee
Feebee feebay *and* chick-adee-dee-dee
- Carolina Wren
Teakettle, teakettle, teakettle
- Chuck Will's Widow
Chucks-will-widow, chucks-will-widow
- Common Nighthawk
Beer
- Common Yellowthroat
Witchity, witchity, witchity
- Eastern Bluebird
Cheer, cheerful charmer
- Eastern Meadowlark
Spring-of-THE-year
- Eastern Phoebe
Fee-bee
- Golden-crowned Kinglet
See, see, see
- Great Horned Owl
Are you awake? Me, toooo
- Indigo Bunting
Fire, fire, where, where, here, here, see it, see it

- Killdeer
Kill-dee, kill-dee
- Northern Bobwhite
Bob white, bob white
- Northern Cardinal
What-cheer, what-cheer, what-cheer
- Ovenbird
Teacher, teacher
- Pileated Woodpecker
Kick, kick, kick
- Red-shouldered Hawk
Keee-yeer, keee-yeer, keee-yeer
- Red-tailed Hawk
Keeeeeeeeer
- Red-winged Blackbird
Konk-a-reee
- Rufous-Sided Towhee
Drink-your-tea
- Song Sparrow
Hip, hip, hip hurray boys, spring is here
- Tufted Titmouse
Peter, peter, peter
- Whippoorwill
Whip poor will
- White-crowned Sparrow
More, more, more cheesies, please
- White-eyed Vireo
Spit and see if I care, spit!
- White-throated Sparrow
Oh sweet Canada, Canada, Canada
- Wood Thrush
Ee-o-lay
- Yellow Warbler
Sweet, sweet, sweet, I'm so sweet

Good luck and listen to the birds around you! 🐦

Suggested Books and Tapes:

Stokes Field Guide to Bird Songs : Eastern Region (Three compact discs and 64-page booklet)

Stokes Field Guide to Bird Songs : Western Region (Three compact discs and 64-page booklet)

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Volunteers MAKING A DIFFERENCE

GARY GOFF

The NY Master Forest Owner/COVERTS Volunteer Program will soon begin its 11th year. Over that time nearly 375 forest owners have completed the 3-day training to be certified as Master Forest Owners (MFOs). There are currently 168 active volunteers in 46 NYS counties. Their mission is to help neighbor forest owners find the information and assistance they need to achieve their ownership objectives. To date, the volunteers have reported over 1,000 on site, one-to-one visits with neighboring forest owners. That is the basis of the success of the program. The volunteers are friends and neighbors who offer peer counseling based on years of ownership experience, complemented by training from Cornell Cooperative Extension and other cooperating agencies and organizations.

Success of the program can be partially measured through statistics reported by the volunteers and visited forest owners. In 2000, for instance, 38 MFO volunteers reported 134 on-site visits, totaling 7,836 acres. A survey of visited forest owners in 1994, revealed that they rated the value of the information provided by the MFO volunteers 4.2 on a 5-point scale. Another survey of visited forest owners in 1997 found that as a result of the information provided by the MFO, forest owners who reported a financial gain, on average saved or earned \$7,000. The basis of the financial savings or earnings is typically from enrollment in the NY Forest Tax Law 480-a or making wise decisions regarding timber sales.

But statistics only tell part of the story. The true merit of the program is perhaps better portrayed by relating the specifics of the results of individual visits. Both the volunteers and the forest owners gain something with each experience. There is a unique story behind every visit. Here are just a few of the hundreds of stories as told by MFO volunteers.

Dale Schaefer, Ontario County

I was invited to visit Jeff Thompson's 84 acres as a result of my staffing an information booth at the 1999 Empire Farm and Field Days. As a result of the visit, Mr. Thompson joined the NY Forest Owners Association and hired a consultant forester to manage a timber sale one year after the visit. Then this April, Mr. Thompson volunteered to host the follow-up woods walk for 40 people on his property as part of Cornell Cooperative Extension's videoconference on "Deer in Rural Woodlands." The contact, visit, and "chain-reaction" results demonstrate the many benefits of the MFO program to landowners and forest stewardship in communities across the state.

Walter Friebel, Oneida County

I received a call from Mr. Richard Sabo who had been referred to me by Gary Goff, MFO/COVERTS Program Director. Mr. Sabo and I spent several hours going through his 75 acres, reviewing management options, and where and

how to get the information he needed.

Mr. Sabo and his wife are now more involved with the Central NY Chapter of the NY Forest Owners Association.

Director's note. Mr. Sabo wrote me a note expressing his thanks for the program and commenting on the visit. He wrote, "Walt was very professional and knowledgeable, an excellent representative of your program. Thanks for your help."

Jerry Michael, Broome County

This year I conducted a visit that had a little different twist. I learned that Broome County was going to auction off a piece of county-owned land that was forested. I went out to see the land and realized that the standing sawtimber on the land was alone worth more than the minimum bid. I recommended that the sale be postponed until the timber value could be determined. Now the County has reconsidered the sale altogether, but if and when the sale goes through, the taxpayers stand to receive full market-value for the property. I also helped organize public



Andy Doyle, MFO from Schuyler County, looking over property maps before starting out on an on-site visit.



An MFO couple learning how to use Biltmore tree scale sticks to estimate sawtimber volume in board feet.

seminars to help forest owners deal with the increasing problem of timber theft. *Director's Note.* Jerry reported 18 visits to local forest owner properties in 2000, the highest total of all reporting volunteers.

Chuck Winship, Monroe County

Two different, but very rewarding visits I had this year went as follows. I was referred by Monroe County Cooperative Extension to a lady who had recently inherited the family farm. She had been offered \$8,000 for the sawtimber (logger's choice) on the farm by a logger who happened to be harvesting a neighboring property. She wisely decided to call Cooperative Extension. Two things we discovered upon taking a tour of the woodlot were that a neighbor had altered the drainage in her woods by ditching his adjoining land and that the mature sugar maple in her woods was probably worth a lot more than the initial offer. I advised her to consider hiring a private consultant forester, which she did. Upon soliciting competitive bids for the marked harvest, she accepted an offer for \$30,000 (3.75 X the initial offer). Another visit I con-

ducted was to a 7-acre parcel owned by a retired Ph.D. from Manhattan, NY. His primary interest is "scenic beauty," and he did have a very diverse and interesting woodlot. He thanked me for helping him learn how to identify tree species and to "read the landscape," thereby determining some of the land-use history of his property. He now appreciates his woodlot even more!

Jim Riles and Doug Deuel, Steuben County

We visited a retired AT&T employee who has a very diverse woodlot with lots of potential for many ownership objectives. He is interested in preservation, sawtimber management, American Chestnut, agro-tourism, and maple syrup production. He is now working with local DEC Forester, Billy Morris. Another forest owner had a beautiful young sawtimber stand that was badly in need of thinning. We encouraged him to acquire aerial photos of the property and work on developing a management plan. He too will be in touch with Billy Morris. A third visit that went very well was with a husband and wife, both commercial arborists with an interest in bee-keeping. Some of their stands were also in need of thinning to optimize the sawtimber potential. They hired a consultant forester to mark the thinning and arrange a competitive bid sale of the sawtimber that the owner cut and skidded roadside.

Director's Note: The Riles and Deuel "Dynamic Duo" conducted 13 visits in 2000. They credit their success in reaching out to landowners by staffing the MFO display at various fairs and workshops,

and referrals from the Steuben County Cooperative Extension Association. Carl Albers, Extension Educator, publishes at least one forestry article in every issue of the county newsletter.

Interested in the program?

NY forest owners are encouraged to contact a local MFO volunteer to learn more about forest management options. Volunteers work for free and are totally unbiased. They will provide you with information over the phone or tell you how to order publications if needed. They also will gladly arrange a half-day visit to your woodlot (or theirs) if that option appeals to you! Lists of volunteers are available through your County Cooperative Extension Office or local NYS DEC office. Visit the MFO website at www.dnr.cornell.edu/ext/mfo/ to learn more about the program and obtain the listing of volunteers.

Experienced land owners who would like to become a MFO/COVERTS volunteer can obtain an application form from the website, or by calling Deanna Owens at 607/255-2814, or e-mailing dlo3@cornell.edu. This year's training workshop will take place Wednesday evening September 19 through Sunday noon, September 23 at Cornell University's Arnot Forest, VanEtten, NY. The workshop is free of charge to accepted candidates. ▲

The NY MFO/COVERTS Volunteer Program is co-sponsored by The Ruffed Grouse Society, The Robert Wentorf, Jr., Foundation, and the NY Woodland Stewards, Inc., with cooperation from NY Forest Owners Assoc., NYS Dept. of Environmental Conservation, and Cornell Cooperative Extension.

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HUNTING LEASES

That Protect the Landowner and the Resource

ROBERT MALMSHEIMER AND DAVID J. COLLIGAN

Landowners lease their hunting rights for a variety of reasons. Hunting lease income helps pay real property taxes. Hunters control deer populations for landowners interested in regenerating their forests. Some absentee landowners use hunters to post their lands and limit public access.

This article examines some elements of a successful hunting lease that protects the landowner and their resource. Landowners can use this information in hunting lease consultations with their attorneys.

This article begins with the initial question for the landowner: will the lease payments compensate the landowner for increased potential liability? It then discusses lease elements that protect the landowner and the resource. The article concludes with some advice for landowners entering hunting leases.

Lease Payments and Landowner's Liability Insurance

Before discussing lease payments, a landowner needs to understand the relationship between herself and hunters. In New York State, a landowner does not own the wildlife on her property. The state owns wildlife until capture (NYECL §11-0105). A landowner entering into a well drafted hunting lease in effect grants hunters a license, rather than a lease, to use her land. The license allows hunters (the lessees) the right to access the landowner's (the lessor) property for a specific purpose during a specified time. A license is a revocable permission subject to stated conditions, while a lease is more typically used to give a real property interest that requires judicial intervention to terminate by the landowner.

A landowner granting hunters access to her property must decide whether she is going to charge the hunters an access fee. The General Obligations Law (GOL) §9-103, provides a landowner, who does not receive compensation for a hunting lease, with a liability defense if a hunter is injured on the landowner's premises. The first question for a landowner considering a hunting lease is: will the lease payments compensate her for increased potential liability?

GOL §9-103 applies if: 1) the landowner has not willfully or maliciously caused the injury, 2) the injured party is conducting a "listed activity" (hunting is a listed activity), and 3) the landowner does not receive consideration. Consideration is more than money. It is anything of value. For example, if the hunters agree to give the landowner a portion of the venison they harvest for allowing them access to her lands, the landowner has received consideration and GOL §9-103 does not apply. A true "thank you" gift of venison, *not required* as a condition to allowing the hunters access to her lands, is not consideration, and GOL §9-103 will continue to apply.

If GOL §9-103 does apply, a landowner does not assume responsibility for injuries caused to hunters on the property. It also states that a landowner has no duty to keep the premises safe for use by others or to give warning of hazardous conditions. The statute provides a landowner with a legal defense if a hunter is injured on the land. However, since this is only a legal defense, and not a bar to lawsuit initiation, it is important that landowners maintain liability insurance on their property. Most liability insurance policies contain an "obligation to

defend" clause that requires the insurance company to defend a lawsuit against a landowner. This clause provides the landowner with an insurance company-paid attorney to raise the GOL §9-103 defense if the landowner is sued. Without this benefit, the landowner will be responsible for her own attorneys' fees if she is sued, even if she ultimately wins on the basis of GOL §9-103.

If the landowner elects to receive consideration, GOL §9-103 does not apply and a landowner owes a duty to the lessee to use reasonable care to keep the property in a reasonably safe condition. For a landowner to be liable, the injured party must prove the landowner breached her duty by: 1) failing to make a known dangerous condition safe, or 2) failing to warn an injured party of a known dangerous condition that could cause injury. Courts determine the extent of a landowner's duty to the injured party by examining the likelihood that the dangerous condition on the property will cause injury and the foreseeability of the injured party's presence on the property. This requires a case-by-case determination, where courts look at the circumstances involved in the injury. Since a case-by-case determination encourages injured parties to initiate lawsuits, a landowner who chooses to accept consideration for allowing hunters on her property should consult with her insurance agent about the property and the appropriateness of purchasing additional liability insurance. Most standard farm and forest insurance policies do not cover damages claimed by paying hunters.

If a landowner accepts money as consideration, the lease should specify when and where the payments are due,

and should require advance lease payments. A landowner should also decide whether she will require lessees to pay a security deposit to insure that the lessees do not damage the property's improvements or resources.

Protecting the Landowner

Lessee Information

The lease should specify the number and identity of the hunters the landowner authorizes to use the property. Unless the hunters have a written agreement that designates an agent authorized to bind other hunters, all hunters should sign the lease and provide their addresses and telephone numbers. If the hunters do not have a written agreement, the lease should specify an agent that the landowner can contact who will be responsible for contacting the other hunters. This clause eliminates the need for the landowner to provide notice to each hunter. If the landowner is unable to contact the agent, the lease contains the information the landowner needs to contact the hunters individually. In addition, the lease should contain a joint and several liability clause. This clause specifies that each hunter is liable to the landowner for all lessees' duty under the lease, and eliminates the individual lessee's claims that they are only responsible for their "share" of the lease. All leases must require copies of the lease to be given to all hunters who accept full responsibility to comply with the lease.

All hunting leases should contain a hold harmless and indemnity agreement requiring the hunters to reimburse landowners against any and all liability caused by the hunting parties. The lease should also contain a waiver of claims barring hunters from bringing an action against the landowner. An appropriate title for this section of the lease would be "Waiver of Liability, Hold Harmless, Release, Assumption of Risk, and Indemnity Agreement."

If the hunters do have a written agreement amongst themselves, such as a hunting club agreement, the lease should require the hunting club's agent

to give the landowner an annual list of all club members authorized to hunt on the property. The landowner should require hunting clubs to distribute a standard form of identification to their members. Standard identification makes it easier for a landowner to identify club members when she inspects her property.

The lease should address whether lessees have guest privileges. If the lease authorizes guests, it should specify the number of guests per lessee and whether a lessee must accompany them on the property. The lease should also specify that lessees are responsible for their guests. If the lease allows guests, it should address whether the landowner authorizes lessees to use the property for guide services. If the landowner does not want to allow guests and/or guides on the property, this should be clearly stated in the lease.

Since New York law generally allows the assignment and transfer of leases, the lease should specifically state that it is nonassignable. This prevents the landowner from having a lease with unknown hunters.

Leased Lands

The lease should contain a legal description and map of the property. If the landowner has not authorized hunting on part of the property, she should clearly delineate those lands on the map and on the ground. If the landowner has shown the lessees the property boundaries, the lessees should acknowledge this in the lease. This acknowledgment prevents lessees from later claiming they did not know the location of property boundaries.

If the lessees access the property through a locked gate, the lease should specify that the lessee is responsible for closing the gates and safeguarding

(and replacing lost) gate keys. Landowners who want the lessees to park in specific locations or limit the number of vehicles should include this information in the lease and on the map.

Duration and Purpose of the Lease

Longer leases give landowners income stability. However, longer leases may extend a landowner's obligation to deal with undesirable lessees. Landowners leasing to unknown hunters should consider an option clause that gives the landowner the opportunity to cancel the lease after one year, or provides for renewal at the landowner's option.

In addition, the lease should specify when the lessees can use the property and what lessees can do on the property. A landowner can grant a general recreation lease, which may allow access throughout the year for a variety of recreational activities, or a hunting lease, which may limit access to hunting during a specified time (e.g., deer hunting season). Limited access is especially important if the landowner uses the property for other purposes such as farming or recreational activities during other times of the year.

Hunter's Liability Insurance

In addition to the landowner's liability insurance, the lease should require that lessees purchase liability insurance. A landowner should consult with her insurance agent to set the minimum coverages that she should require in the lease.

continued on page 10



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Hunting Leases (continued from page 9)

Landowner Access to Property

The lease should reserve the landowner's right to use and access the property, including her right to inspect the property. If the landowner or her family wants to hunt on the property, the lease should specifically reserve hunting rights for these parties.

Resolving Disputes

The lease should always include a clause that allows the landowner to cancel the lease, if the lessee breaches the lease. In addition, the landowner may want to specify how she and the lessees will resolve lease disputes. A landowner should consult with her attorney about the advantages and disadvantages of alternative dispute resolution mechanisms, such as arbitration or mediation to settle lease disagreements.

Hunter's Duty to Notify Landowners

The lease should require lessees to notify the landowner of dangerous conditions and trespassers. As the discussion of lease payments and a landowner's liability detailed, this is especially important if the landowner is receiving consideration for the hunting lease.

The lease should also require the lessee to notify the landowner of any accidents or injuries that occur on the property. This protects the landowner because many insurance policies contain clauses that require the insured to notify the insurance company of potential claims within a number of days. If the insured fails to notify the insurance company within that time, the insurance policy does not cover the incident.

Protecting the Resource

Timber Harvesting

If the landowner manages her lands for timber, the lease should include lease terms that apply when harvesting operations occur, such as limiting lessee access to harvest areas. Even if the landowner does not manage for

timber, landowners should reserve the right to conduct forest management or timber salvage operations in case they need to conduct these activities in the future. This reservation can eliminate lessees' claims that these activities interfere with the lessees' rights under the lease.

Deer Harvesting Requirements

If one of the landowner's leasing objectives is to promote natural forest regeneration, the lease should specify the number and types of deer the lessees will harvest. This is important because many hunters refuse, or are reluctant, to harvest does. The landowner may also want to add a release or nonexclusivity clause if the lessees fail to meet minimum harvesting requirements.

A landowner should consider requiring lessees to send her information about each deer harvested, such as sex, weight and buck's rack size. A landowner can use this information in the future to increase lease rates or for marketing the hunting rights to prospective lessees.

Protection of Trees

Hunting leases should protect the trees on the property. Leases should specify whether tree stands are permitted and, if so, what types of stands are authorized. If lessees are responsible for posting the property, the lease should specify where and how they will post signs.

The lease should prohibit the cutting of trees or the making of clearings. Provisions for lessees' use of down trees for firewood or blinds are also helpful.

Protection of Roads and Trails

A landowner may want to limit vehicular travel by specifying: 1) the types of vehicles the landowner authorizes on the property, 2) vehicle speeds, and 3) where lessees can use vehicles. If the lessee is responsible for the maintenance or repair of road

damage, the lease should address these issues. Landowners should carefully consider whether to allow all terrain vehicles on the property. If they are allowed, the landowner should be sure to discuss this with her insurance carrier to be certain that she is adequately insured in the event of an ATV accident.

Protection of Improvements

Improvements on leased lands present a variety of issues that are beyond the scope of this article. A landowner leasing improvements on her property should consult with her attorney about lease terms to protect the improvements and prevent the storage of dangerous or hazardous materials. If the improvements are not being leased, the lease should include appropriate provisions concerning "no-shoot" areas around the improvements.

Conclusion


Hunting leases provide forest landowners with many benefits. However, hunting leases should protect both the landowner and the resource. This article addresses some elements of a successful hunting lease. It is not a comprehensive list. A landowner should tailor her hunting lease to match her management objectives and her property.

A landowner entering a hunting lease should remember the first rule of lease-drafting: the lessee and lessor must abide by all the terms of the lease, so the landowner should specify all of the lessees' responsibilities in the lease. A comprehensive lease provides greater protection than a vague lease. By including lessees' responsibilities and prohibitions in the lease, a landowner avoids misunderstandings, litigation, and damage to her resources. ▲


Robert Malmshiemer is an Assistant Professor of Forest Policy and Law at SUNY ESF. David J. Colligan is a partner in a law firm in Buffalo, New York, and can be reached at (716) 852-3540 or visit his website www.forestrylaw.com.

NEWS & NOTES

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Guide to Weed and Bush Control


 The 13 page "2001 New England Guide to Chemical Weed and Brush Control in Christmas Trees" by Marshall Patmos, UNH Cooperative Extension and John Ahrens, Connecticut Agricultural Experiment

Station has been completed and now available at the UNH Cooperative Extension website. The web address is ceinfo.unh.edu/for2pubs.htm. A hard copy is available from the New England Extension Foresters and New York Extension Forester. Single copies are also available at the UNH Cooperative Extension Publications Center, 16 Nesmith Hall, 131 Main St, Durham, NH 03824-3587. Ph 603-862-2346 Fax 603-862-2441.

Threatened & Endangered Species Web Site



 For those of you with an interest in Threatened and Endangered Species, here's an interesting site: www.natureserve.org/

Venison Donations

 The following web site, www.dec.state.ny.us/website/dfwmr/wildlife/venison.htm is for the NYS Venison Donation Coalition and cooperating meat processors. There

is an established program with FoodLink in Rochester, NY. DEC is trying to get 40,000 servings of venison donated to needy people.

How to use a Compass

 For those of you who may need a refresher on how to use a compass, this is a good website: www.cnr.berkeley.edu/departments/esp/extension/COMPASS.HTM 

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Fall Membership Meeting

September 21, 22 and 23

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Agenda:

Friday	3:00 – 6:00 pm	Registration @ Director's Cabin
	6:30 – 10:00 pm	Dinner/ Musical Entertainment (Hot Dogs/Hamburgers/Potato Salad)
Saturday	6:30 – 8:30 am	Breakfast (Pancakes/Bacon/Eggs)
	9:00 – 12:00 noon	Crop Tree Management Discuss Wildlife, Aesthetic and Timber Objectives
	11:30 – 12:30 pm	Lunch (Mixed Cold Cuts/Rolls/Veggies/Chips)
	1:00 – 3:00 pm	Choice of: Industrial Mill Tour Wildlife Photography by Ray Minnick
	3:30 – 5:30 pm	Choice of: Industrial Mill Tour Letchworth Wildlife Photography by Ray Minnick
	9:00 – 5:00 pm	Children's Program
Sunday	6:00 – 10:00 pm	Dinner/ Keynote Speaker / Owl Prowl Pig Roast Dinner w/rolls/Pasta Salad/Cole Slaw Speaker: Rick White – Pfeiffer Nature Center
	7:00 – 8:00 am	Breakfast (Cereal/Fruit/Pastry)
	8:30 – 11:00 am	Harvest Walk w/tree identification

Those with special dietary needs, please contact Sharon Wieder at 716-942-3006.

Register with payment in full by September 1st.

Limited to 150 participants–Sign up early!

Cost per adult with lodging:	\$50
Cost per adult without lodging:	\$35
School age children (5 & up)	\$25

Lodging:

Rustic lodging available at Camp Duffield in dorms with showers. Sleeping arrangements are by gender only. Families can use tent facilities. Tent camping and RV parking areas are available with bathroom and shower facilities (no water or electric hookups). Bring your own towels, sheets, blankets, etc.

Camping with hookups available at Arrowhead Camp Ground, Rt. 16 South of Delevan.

Area motels are available - please make your own reservations:

Arcade Village Motel, 574 W. Main Street, Arcade, NY	716-492-3600 approx. \$45
Josie's Brookside Motel, Rts. 16 & 39, Chaffee, NY	716-496-5057 approx. \$40
Nichols Brook Motel, Rts. 39 & 16, Chaffee, NY	716-496-7226 approx. \$50
Microtel Inn, 270 S. Cascade Drive, Springville, NY	716-592-3141 approx. \$40

Directions:

From the North - Follow NYS Thruway to Route 400S to Route 16S. Take a right on Route 39N to Savage Road. Take a left on Savage Road and head south. Savage Road will turn into McKinstry Road. Turn left on Worden. Turn left into Camp Duffield.

Or

Follow Route 16 to the light in Yorkshire Corners. Head west on Creek Road (Creek Road goes one way off of Rte. 16 and Rt. 39 goes the other way). Turn left on McKinstry - there is a stop sign at McKinstry. Turn left on Worden. Turn left into Camp Duffield.

Or

Follow Route 219 to Route 39E. Follow Rte. 39 for approximately 10 miles to Savage Road. Turn right on Savage Road. Savage Road turns into McKinstry. Turn left into Camp Duffield.

From the South - Follow Route 17/I86 to Hinsdale. Head north on Rte 16. Turn west on Creek Road (Creek Road goes one way off of Rte. 16 and Rt. 39 goes the other way). Turn left on McKinstry - there is a stop sign at McKinstry. Turn left on Worden. Turn left into Camp Duffield.

Detach Reservation Form

Reservations and cancellations must be received by Saturday, September 1, 2001

Name: _____ Phone: _____
Address: _____

Number of adults with lodging: _____ @ \$50 = _____
Number of adults without lodging: _____ @ \$35 = _____
Number of children: _____ @ \$25 = _____
Total Enclosed _____

Tentative choice of Saturday Afternoon Program (please circle one for each session):

1:00-3:00 Industrial Mill Tour or Wildlife Photography
3:30-5:30 Industrial Mill Tour or Letchworth Wildlife Photography

Make check payable to "AFC-NYFOA." Send reservation and full payment to:

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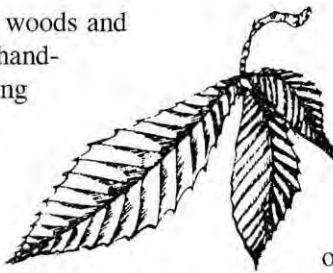
REWARD FOR FINDING NEAR-EXTINCT TREES

Somewhere in our woods and forests there are handsome trees awaiting discovery...with a "Supertree" reward awaiting the discoverer.

The Tree: the American Chestnut, a once prolific tree brought to near extinction by a deadly imported fungus.

The "Supertree" Reward: \$100 for finding a tree of over 18 inches in diameter at breast height (dbh) or \$50 for one over 14 inches dbh. They must be found in New York State during 2001. The first 10 trees in *each category* not previously recorded by The New York State Chapter of the American Chestnut Foundation (TACFNY) will be rewarded. The property owner must allow accessibility for pollination and/or seed collection.

The offer is being made by TACFNY, whose purpose is to restore fungus-resistant trees to our forests. Seeds from the new-found "Supertrees" will be planted in TACFNY Seed Orchards throughout the state. This effort will preserve new genetic lines adapted to the state's environment and will build toward an optimum genetic diversity to withstand further ecological disasters. Eventually, trees in the TACFNY Seed Orchards will be cross-bred with research-developed fungus-




resistant trees. Then restoration can begin. American chestnut research is now on-going at SUNY's College of Environmental Science and Forestry in Syracuse and other locations.

The last known "Supertree," measuring 23.4 inches dbh, died during the year 2000 season because of the deadly fungus. After its discovery it supplied hundreds of seeds for TACFNY Orchards.

Probably the first indication of an American chestnut tree in the woods will be opened burs lying on the ground near the tree. These burs are light brown with long sharp spines measuring about 3 inches across when closed. The tree has slender leaves which are usually 6 to 9 inches long with pinpointed teeth. It is somewhat similar to the beech leaf, except the chestnut leaf is longer and more pointed on both ends. In early July the tree blossoms with creamy white catkins.

For verification, the claimants for the "Supertree" reward are asked to send several leaves from different areas of the tree, if possible, along with a twig with three or four leaves attached. If the identification is positive, a TACFNY District Director will visit the tree to verify its location and size. Identification material should be sent

to: Dr Richard H. Zander, Buffalo Museum of Science, 1020 Humboldt Parkway, Buffalo, NY 14211. Any questions should be directed to: The American Chestnut Foundation, NYS Chapter, c/o H.F. Darling, Jr., 131 California Drive, Williamsville, NY 14221, phone (716) 632-1125. 

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Deer Management Assistance Program (DMAP)

What is DMAP?

The Deer Management Assistance Program is one tool that wildlife biologists can use to manage white-tailed deer in New York State. This program will enable biologists to help landowners and resource managers implement site specific deer management on their lands.

DEC will issue a special permit and a determined number of deer tags to a landowner or resource manager, or a group of landowners or resource managers, whose property is in need of site-specific deer management efforts.

DMAP permits are valid for use only during the open deer hunting seasons and can only be used by licensed hunters. For many, this is the 'right' time to harvest deer. Only deer without antlers or having antlers measuring less than three inches in length may be taken under the authority of a DMAP permit.

Under DMAP, the landowner or resource manager will be responsible for distributing the antlerless deer tags. They will also be required to maintain and

submit summary reports to DEC listing the deer taken.

DMAP will supplement not replace Deer Management Permits and Damage Permits on specific sites.

How Can You Become Eligible for DMAP?

To be eligible for DMAP, applicant(s) must own or control lands in New York State that meet *one* of the following criteria:

- Land where agricultural damage has been documented or can be documented by the DEC, or
- A municipality that has a documented deer problem and a DEC approved plan for deer management, or
- Land where deer damage to rare or endangered plant communities has been documented or can be documented by the DEC, or
- Land contained in one or more parcels totaling 200 or more acres and sharing a contiguous boundary where forest regeneration is negatively

impacted by deer. This negative impact must be identified in an existing forest and/or land management plan for the land, or

- Land contained in one or more parcels totaling 1,000 or more acres and sharing a contiguous boundary that is being managed for improved herd characteristics such as Quality Deer Management

(QDM). A deer management plan is required.

Two or more landowners with contiguous boundaries may cooperate to meet the above acreage requirements to be eligible for DMAP.


What Will DMAP Do?

- Control targeted populations of white-tailed deer.
- Reduce agricultural and plant community property damage.
- Improve landowner and sportsmen relationships. Times and public attitudes have changed; landowners no longer provide the level of open access they once did. DMAP offers an avenue for landowners to meet deer management needs on their property, while providing an incentive to give licensed hunters access to deer and deer hunting.
- Help to provide sound deer management practices, such as QDM, to produce custom white-tailed deer hunting opportunities.

How to Apply

- Call your DEC regional wildlife office and request a DMAP application.
- You will be required to submit a map of the land(s) to be included in the program.
- You may be required to submit a deer management plan describing the background and scope of the deer problem or stating the deer management goals.
- Applications for permits valid during the fall big game hunting seasons must be postmarked by September 1st.

Statewide 2000 DMAP Summary

In 2000, 1,174 DMAP applications were approved. Almost half of the applications were new, meaning the permittee had not applied for a DMAP permit in 1999. Statewide, 8,011 deer were reported taken on DMAP permits and 58% of all issued DMAP permits were filled. Ninety percent of DMAP applications were for agricultural problems and 6% were for forest regeneration. 

For more information about DMAP contact your DEC regional wildlife office.



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The May Beetle

DOUGLAS C. ALLEN

May beetles, often referred to as “June bugs” or “white grubs,” belong to a family characterized by a wide range of form, size and feeding habits. Most adults of the 1400 or so species in the family Scarabaeidae (scare-ah-bee-i-dee) are either scavengers of dung or decaying plant material, or they are leaf feeders. An example of the former is the well known “sacred scarab” of the Egyptians. This highly venerated species was placed in tombs and its image carved in stone and precious gems. In reality, it is a dung beetle or tumble bug! Undoubtedly this beetle plays a very important role in desert ecosystems (as do dung beetles everywhere), but its accomplishments hardly seem deserving of the remarkable symbolism attributed to it by the ancients! In fact, it was not its ecological significance that attracted Egyptians to this beetle, but rather its habit of rolling dung into balls that were stored for food or egg laying. The ball represented the earth and, because of its appearance (sharp projections on the

head extend outward like rays of light) the beetle personified the sun. Further, its six tarsi (tar-see) or “feet” have a total of 36 segments which represented the days of the month, and all individuals were thought to be males (which they are not). This race of males symbolized a race of warriors.

Most of us are more familiar with scarabs that feed on foliage. The introduced Japanese beetle and European chafer (chay-fur) are common examples. Adults eat the leaves of many cultivated plants but, as many homeowners have discovered, the larval stages feed on grass roots and often kill patches of lawn. To add insult to this injury, high populations often attract hungry skunks which perforate a lawn in search of grubs.

The most important species from the standpoint of silviculture, however, are May beetles in the genus *Phyllophaga* (fye-loff-a-ga). This group contains approximately 200 species in North America and Canada.

Damage

The immature stages of May beetles (i.e., white grubs) feed on the roots of seedlings in forested communities and often retard the establishment of hardwood regeneration in abandoned fields. It is their damage to the roots of conifer seedlings in nurseries and newly established plantations in old fields, however, that does the most harm. After May beetles become established at a site, populations can increase to damaging levels in only a few years. The end result can be extensive mortality of seedlings that were costly to produce and expensive to out-plant. Also, significant financial impact may result when stand establishment is delayed.

Life History

Beetles emerge from the soil in spring and early summer, feed for awhile on tree foliage, mate and shortly thereafter females burrow into the ground to lay eggs. Following egg hatch the larval stages (white grubs)

continued on next page



Figure 1 A May beetle.

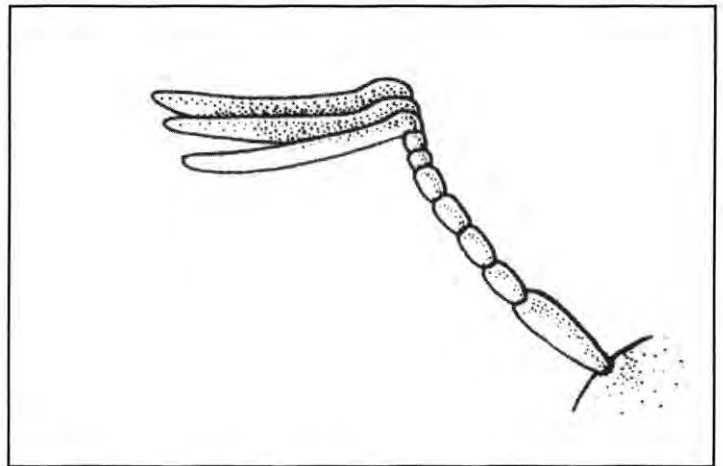


Figure 2 Antenna of a typical scarab beetle.



Figure 3 May beetle eggs.

feed on fine plant roots for as many as five years before completing development. The length of time spent beneath the sod depends in large measure on the species. The number of years required to complete development is also influenced by weather conditions and soil type.

The robust **adult** is 0.5 to 1.0 inches long, stout, shiny, and varies from reddish to dark brown (Fig. 1). The terminal three segments of each antenna are plate-like (flattened) and form a distinct club or enlargement (Fig. 2). Beetles are nocturnal and attracted to lights. On warm evenings in late May and throughout June, they "buzz" around lighted windows and

produce an audible thud when they bump against the glass or screen. Occasionally, adults are abundant enough to noticeably defoliate trees, and large numbers of them attach to foliage like Christmas ornaments. These conspicuous aggregations usually occur at dusk, and it is at this time that mating takes place.


The spherical **eggs** are pearly white to cream and approximately 0.1 inches in diameter (Fig. 3).

The **larva** or white grub has a characteristic "C"-shape. It is distinctly swollen at the posterior end and has a well developed head and three pair of legs. When fully grown, the larva is 1.25 to 1.5 inches long (Fig. 4).



Figure 4 A typical scarab larva (white grub).


Management

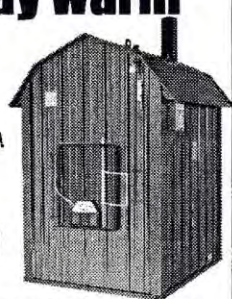
The most effective way to minimize losses is to carefully survey fields before planting. Grub damage, evidenced by patches of dead grass, is readily visible in pastures or other abandoned farm land. When grub populations are high it is best to delay planting until populations subside; that is, until there is very little evidence of feeding. Studies in Ontario indicate that grub populations peak every three to four years in some areas. Fields containing a lot of brush or thickly carpeted with golden rod carry low populations. Grass (sod) constitutes the ideal habitat. 

This is the 57th in the series of articles contributed by Dr. Allen, Professor of Entomology at SUNY-ESF. It is possible to download this collection from the DEC Web page at: <http://www.dec.state.ny.us/website/dlf/privland/forprot/health/nyfo/index.html>.

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The "Father of Conservation" *and What He Taught Us*

KELLY SEVIER

President Theodore Roosevelt (TR) is heralded as "the father of conservation." TR wrote the book on natural resource conservation and had the clout to accomplish it, first as governor of New York and later as President. TR had a keen understanding of the true meaning of conservation: the perpetuation of resources through wise use. For Roosevelt, resource conservation was not an end in itself, but rather a means to increase and sustain the resources of our country and the people that depend on them. In order to implement a national policy of conservation, Roosevelt instituted a delicate balance of resource protection and wise use.

As a graduate student, I enjoyed learning about the creation of our national forest system and the history of the U.S. Forest Service. President

Theodore Roosevelt, concerned about the trend of rampant over-harvesting, sought to greatly expand the fledgling national forest reserves. The reserves eventually became our national forest system. Several presidents before TR had set aside a total of nearly 40 million acres. These actions, however, were dwarfed by the conservation efforts of TR.

While in office, Roosevelt increased the size of the forest reserves by nearly 100 million acres. Not only did he fight to expand the reserve system, but he worked hard to ensure that the reserves would be managed in a manner that would sustain and conserve them. TR facilitated the transfer of the administration of the reserves from the General Land Office, where it was managed by political appointees, to the Bureau of Forestry, where the land would be managed by



Theodore Roosevelt
1858-1919

foresters. TR urged that forestry be conducted along scientific principles, and facilitated the creation of the National Forest Service from the Bureau of Forestry.

Of course, the expansion of the forest reserves did not delight everyone. The powerful "timber barons" of the west opposed many of Roosevelt's actions. The Congressional allies of these special

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interests added a rider to a 1907 appropriations bill that rescinded presidential authority to reserve land in certain states. TR, though, acted even more quickly than his critics. As the story goes, on the eve before the appropriations bill was to become law, TR unfurled a map of the existing forest reserves on the floor of the oval office and outlined an additional 16 million acres that would be added to the reserves. He and his allies moved swiftly to include this additional acreage to the system before the appropriations bill passed, much to the dismay of those who exploited the resource.

Although TR is most noted for his forest conservation efforts, his concern for our nation's natural resources did not stop with just forestland. He was a pioneer in water and wildlife conservation as well. As a boy, TR spent his summers in the Adirondack Mountains where his conservationist ideals were formed. As governor of New York, he set up protections for songbirds, initiated reforms to protect drinking water supplies, and sought to maintain the purity of Adirondack and Catskill streams.

TR, a man ahead of his time, understood that our natural systems are not disconnected. The degradation of one natural resource, such as forests, would also degrade other resources, such as water and wildlife. He cautioned, "...various uses of our natural resources are so closely connected that they should be coordinated and should be treated as part of one coherent plan and not in haphazard and piecemeal fashion."

Roosevelt was a visionary whose advice may possibly be even more valid today than in his time. We hear everyday how the degradation of one resource can impact another. For example, the unsound harvesting of a forest or untimely plowing of farmland can lead directly to the degradation of water quality as sediment runs into streams and other waterbodies. Fortunately, there are numerous resources available to landowners to

help them realize TR's conservation ethic. Here are just a few:

Determine your objectives

If you own forestland, consider consulting a volunteer Master Forest Owner (MFO) (see article on page 6). MFO's will walk your land with you and can help you determine your objectives for your land. Ownership objectives vary widely from person to person. Are you interested in attracting wildlife? Harvesting timber? Maybe you simply like the solitude of walking quietly in your woods and would like to create a trail or two. Once you can pinpoint what you would like from your land, an MFO can lead you to more resources that will help you realize your objectives.

Create a management plan

Perhaps you already know that you'd like to harvest timber on your land. A DEC service forester or a consulting forester can help you create a management plan for your land. A management plan is a document that guides future use of your property. A plan usually includes data about the timber located on your land and it describes activities that will help you meet your ownership objectives. A forester can also help you prepare a harvesting contract and ensure that proper best management practices are used during a harvesting operation. Overall, a professional forester can help

continued on page 20

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Father of Conservation (continued from page 19)

conserve your forest resources and protect your interests.

Plant Trees

Plant trees to replace harvested trees, and to beautify and improve our environment. Contact your local Soil and Water Conservation District for information. Many districts conduct an annual seedling sale.

Encourage Hunting

Invite local sportsmen and women to hunt your land. Hunters may hold the key to alleviating the destructive impacts that deer have on forest regeneration efforts of landowners.

Not only do hunters play a vital role in wildlife management but also in wildlife restoration. Much of the money necessary to conduct wildlife restoration and management programs originates from the Federal Aid in Wildlife Restoration Act. This Act, lobbied for and supported by sportsmen in 1937, places an excise tax on firearms, ammunition and other hunting equipment and has raised billions of dollars over the years for wildlife restoration. The resurgence of the wild turkey is a good example.

Teddy Roosevelt was a true conservationist, but protecting natural resources is not a struggle that should

be left only to presidents, large landowners, government agencies, and conservation groups. Small landowners, like you, can positively impact our resources and contribute to the sustainability of our forests, water, and wildlife. If you would like more information on any of the tips above, contact your local Cornell Cooperative Extension office or the NYS DEC. ▲

Kelly Sevier is a MFO and an extension educator for Cornell Cooperative Extension of Cayuga County.

POSITION ANNOUNCEMENT:

Executive Director New York Forest Owners Association (NYFOA)

Non-profit organization seeks a part-time executive director to help expand outreach programs, support chapter and membership volunteers, and increase membership.

NYFOA, a statewide not-for-profit membership corporation, promotes private forest owners' stewardship through use of desirable woodland practices. Many of its educational programs are conducted by volunteers in 11 regional chapters.

Applicant must have strong communication skills, demonstrated ability to lead organizations and work with volunteers, ability to raise funds, and experience in planning and executing successful action programs. In addition the applicant should be comfortable networking among persons with a range of views, educational levels, and positions and must be willing to market and promote the organization. Familiarity with natural resource issues, organizations and action programs is desirable.

NYFOA will establish a contractual relationship with the successful applicant. He/she will provide own modern office environment and will be compensated by contract up to \$25,000 annually. Arrangements for travel and other expenses will be negotiated with the contract. Flexible though regular work schedule. Successful applicant is expected to reside in New York State.

Direct requests for additional information to 1-800-836-3566 or nyforestowners@excite.com. Send application letter and resume to NYFOA Personnel Committee, Box 180, Fairport, NY 14450 by August 1, 2001.

Woodlot Calendar

August 4, 2001 (Saturday)

Capital District Chapter will have a family picnic/chicken barbecue at the Yellow Rocks pavilion in John Boyd Thacher State Park in western Albany County. Thacher Park's features include views of the Hudson Valley, Vermont, and Massachusetts from the Helderberg Escarpment; the Indian Ladder Trail; Long Path North; swimming; and a new Nature Center. Camping is available (by reservation) at Thompsons Lake State Park. For information, reservations for the chicken barbecue, or directions, contact Joan or Hans Kappel, 518-861-8753, or email AltamontNY@aol.com.

August 5-8, 2001 (Sunday-Wednesday)

92nd Annual Meeting of the Northern Nut Growers Association, Inc.

The Northern Nut Growers Association meeting will be held at Cornell University, Ithaca, NY on August 5-8, 2001. There will be 20-25 speakers who will cover all aspects of nut tree growing. Meeting speakers' involvement in nut trees ranges from the backyard grower, to university instructors, to commercial growers, to out of control hobbyist. For more information contact Tucker Hill via e-mail at tuckerh@epix.net or by phone/fax at (717) 938-6090. Information is also available on their web site at: <http://www.icserv.com/nnga/>.

September 21-23, 2001 (Friday-Sunday)

NYFOA Fall Membership Meeting

This year's meeting is sponsored by the Allegany Foothills and Niagara Frontier chapters. It will be held at Camp Duffield in Delevan, NY. See pages 13 and 14 for more information.

Forest Landowner Tax Council

The Forest Landowners Tax Council (FLTC), a non-profit organization established for the benefit of individual forest landowners across the country, has established its presence in Washington, DC. Frank Stewart has been named Executive Director.

Charles Tarver, Chairman of FLTC's board of directors, said, "Stewart has hands-on experience with non-industrial private forest (NIPF) owners' concerns and issues, as well as with government affairs, communications, and association management." Tarver continued, "Stewart's background since childhood is in forestry and forestry-related activities, he's well known within the forestry community, and there are synergies and efficiencies created by Stewart's roles with other organizations inside the beltway." Stewart commented, "I think that FLTC's location in DC is an appropriate setting for the organization's national scope and mission to represent the interests of the nation's ten million private forest landowners." Tarver said, "Although there are regional differences in the country among land ownership patterns, forest cover types, timber markets, environmental and other issues, forest landowners throughout the nation face the same problems when it comes to the federal tax code." Stewart continued, "I'm looking forward to working with the Tax Council and to talking with landowners about joining the effort to bring about long-overdue changes to the Internal Revenue Code as it affects non-industrial private forest landowners."

Stewart will be charged with monitoring the federal government's activities affecting timber and timberland taxation, building coalitions, developing national membership, building and activating a grassroots advocacy network, and handling the daily management of the Council. FLTC's mission is to provide an effective and unified voice

for non-industrial, private forest landowners on federal tax issues. The Council also provides technical research on proposed changes in timber tax legislation. Membership is open to all individuals, associations, and organizations interested in supporting the purpose of the FLTC.

Below is one of the issues the FLTC has been supporting. For more information on the FLTC visit their web site at www.fltc.org, or write to them at PO Box 636, Washington, DC, 20044-0636.

Small Landowners and the Environment Could Benefit from Collins Tax Simplification Measure

WASHINGTON, DC — Rep. Mac Collins (R-GA) wants to prune the tax code to simplify procedures for small landowners and remove incentives for wasteful logging methods and theft. Collins has introduced H.R. 1341, a bill that, if enacted, would correct the Internal Revenue Service (IRS) capital gains tax treatment of income from timber harvested on a small landowners' property; it modifies IRC 631(b). Under current tax law, the IRS puts occasional sellers of timber under the category of "dealers" when it assesses the capital gains on timber being sold. As a result of this classification, small landowners selling timber are forced to choose "pay-as-cut" contracts in order to be allowed capital gains treatment on the income from the

sale. But, the preferable "lump-sum" sale allows sellers less risk of waste and theft from unscrupulous buyers. Pay-as-cut contracts allow capital gains treatment, lump-sum sales do not. As a result, the lump-sum seller bears all the risk with a lesser financial advantage, while the buyers have less incentive to properly account for their purchases or to reduce waste. Collins' bill would fix that.

Collins said removal of the requirement that non-industrial private forest landowners retain an "economic interest" will reduce the risk to small landowners and greatly simplify the tax process. "This is a simple common sense measure which is also supported by the IRS itself," Collins said. "I urge my colleagues to support this measure." ▲

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What Can New York Woodland Stewards Do For You?

JILL CORNELL

When New York Woodland Stewards, Inc. (NYWS) was established by NYFOA in 1997 its purpose was to be a fund-raising entity for NYFOA and NYFOA Chapters' projects, programs and events. To date it has accomplished many fund-raising activities to help spread the word about the benefits of good forest management to forest owners and the general public.

In the short time of its existence NYWS has raised over \$33,000 for

the following activities: Family Forest Fair '98, Forestry Awareness Day at the capital in Albany for the past three years, NYFOA 2000 Fall Conference, "Keeping Track" wildlife program, "Call Before You Cut" pamphlets, New York Forests Forever CD ROM, chapter outreach materials, production of a video for NYS farmers - "Managing the Equity in Your Woodlot." NYWS has assisted with Cornell Extension satellite Downlink Programs in 2000 and 2001, and will assist with NYFOA Executive Director funding.

NYWS has also received a gift of a 20 acre parcel of land in the Town of Willet, Cortland County which is valued at over \$13,000. This land will

be managed for timber production and wildlife habitat, and will be used as a demonstration woodlot for educational activities. The Central New York Chapter is having a woodswalk on the property this summer.

So, what can NYWS do for you? It can provide you with a tax exempt way to donate money or forest property to increase sustainable forest management practices and to increase understanding of those practices through NYFOA programs, projects and events. When you make a general contribution, or designate your donation to a special project, program or event, you receive a qualified tax donation AND help to spread the word

about the benefits of good forest management while helping to sustain the natural resource environment.

Jill Cornell is the president of the New York Woodland Stewards, Inc. and a member of the CDC of NYFOA.

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MAGAZINE DEADLINE

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Deadline for material is
August 1, 2001.

THE MARKETPLACE

NYFOA member Norman E. Murray has recorded a musical cassette, *I'm a Tree and We're the Forest Families of this Country*, which has been used for enjoyment and teaching in elementary schools around the country. It is a non-profit undertaking, with any profits going to Project Learning Tree. For more information or to request an order form, write U*C Music Division, PO Box 1066, Buffalo, NY 14215. Cost is \$3.00 per tape (reduced rates available for multiple tape orders).

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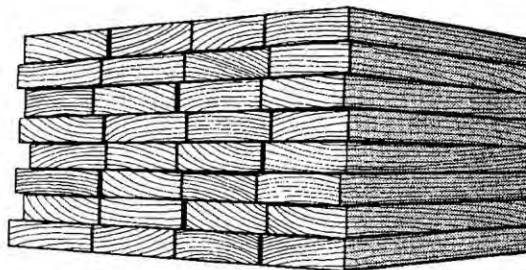
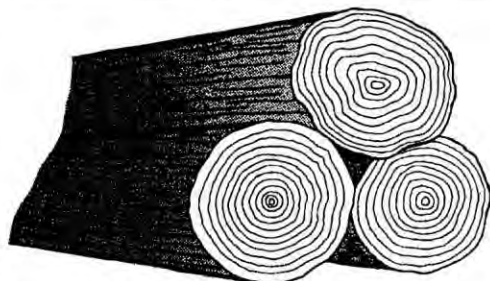
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See Pages 12 & 13 for information on the Fall Membership Meeting.



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