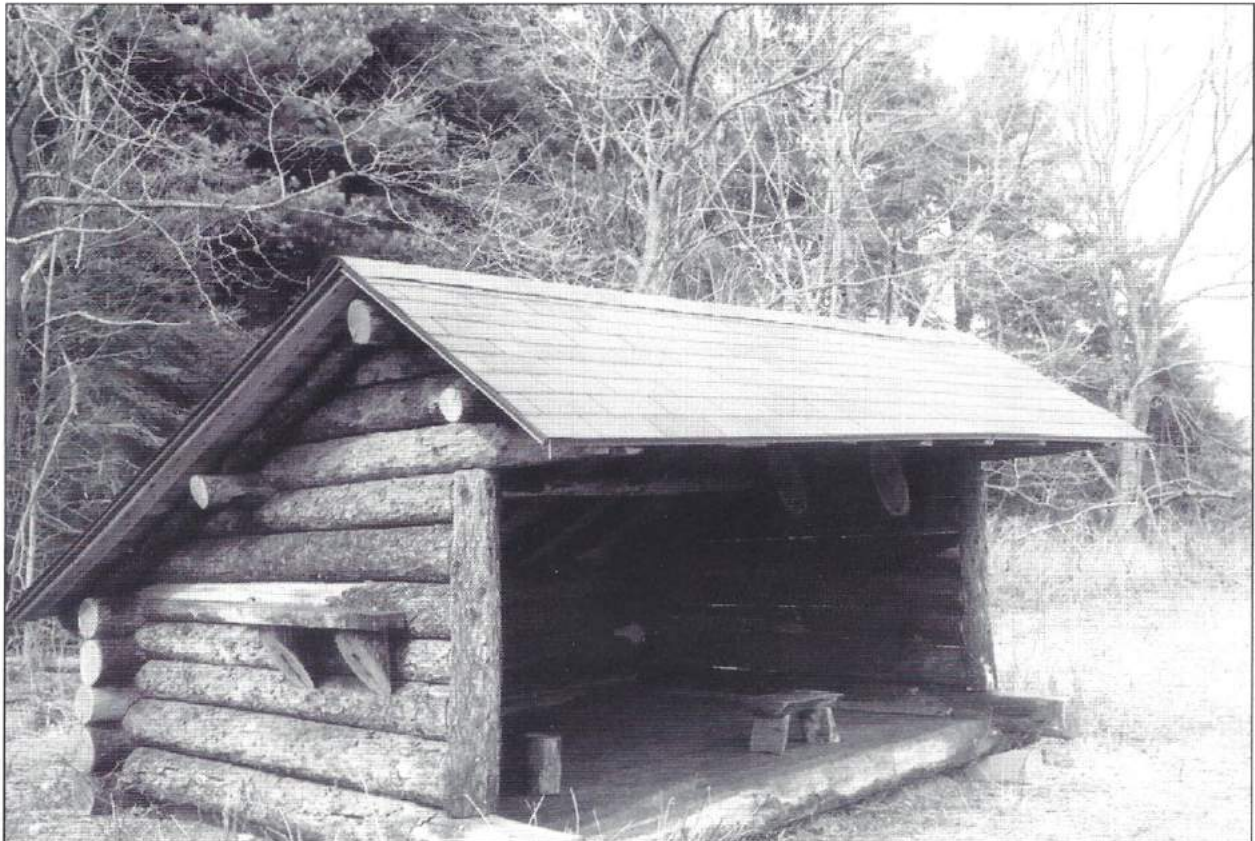


The New York Forest Owner

A PUBLICATION OF THE NEW YORK FOREST OWNERS ASSOCIATION

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**THE NEW YORK
FOREST OWNERS
ASSOCIATION**

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In This Issue . . .

FROM THE PRESIDENT
Geff Yancey 3

THE STATE'S TOUGHEST TREE TEST
Dan Anderson 4

THE KNOTS OF TIMBER TAX
Lloyd R. Casey 5

THREE TIMBER THEFT BILLS INTRODUCED IN NYS LEGISLATURE
Robert Malmshemer 6

FOREST, FARM LAND PROTECTED BY CONSERVATION EASEMENT
Andrew Zepp 8

NYFOA AWARDS 10

NEWS AND NOTES 12

HOW TO: CARE FOR SEEDLINGS 13

NYFOA TOASTS DEC FORESTERS AT RETIREMENT BRUNCH
Gretchen McHugh 14

THE CARPENTERWORM: A WOOD BORING CATERPILLAR
Douglas C. Allen 16

FORESTRY AWARENESS DAY IN ALBANY 18

POSTED SIGN ORDER FORM 20

WOODLOT CALENDAR 20

The New York
Forest Owner

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The New York Forest Owner is a bi-monthly publication of The New York Forest Owners Association, P.O. Box 1055, Penfield, N.Y. 14526. Materials submitted for publication should be sent to: Mary Beth Malmshemer, Editor, The New York Forest Owner, 134 Lincklaen Street, Cazenovia, New York 13035. Materials may also be e-mailed to mmalmshe@syr.edu. Articles, artwork and photos are invited and if requested, are returned after use. The deadline for submission for the July/August issue is June 1, 2003.

Please address all membership fees and change of address requests to P.O. Box 1055, Penfield, N.Y. 14526. 1-800-836-3566. Cost of family membership/subscription is \$30.

www.nyfoa.org

COVER: Pictured on the cover is a lean-to which was built on NYFOA members John and Carol Krebs' property. The Krebses have donated the development rights to the Finger Lakes Land Trust under a process known as a conservation easement. See page 10 for full article. Photograph courtesy of John Krebs.

From The President

Growing Trees and Leaders

The future of NYFOA will be shaped on Saturday June 7th at the Arnot Forest near Ithaca! Sound a little bold? I don't think so! On that day in the midst of the beautiful forests owned by Cornell University we will hold a Directors meeting, but more importantly, we will spend the majority of the day on Leadership Development and Volunteer Recruitment/Involvement. In a recent talk at Forestry Awareness Day in Albany, I described NYFOA as a VIBRANT, VOLUNTEER group, and we are. The key to achieving our goals of more members, meaningful youth outreach, more public policy involvement and the application of sound forest stewardship in the private forests throughout New York, is to generate a constant flow of new volunteers and from those volunteers, new and dynamic leaders.

On June 7th, this workshop will give our current and future chapter leaders new ideas on how to recruit and retain the next generation of volunteers. We will combine these new ideas with the "best practices" of all of our existing chapters and make sure that everyone leaves the Arnot meeting with new techniques, high energy and new enthusiasm to engage tomorrow's NYFOA leaders. All chapter chairs and NYFOA board members have been asked to attend this important forum and each has also been encouraged to invite other chapter leadership as well as identifying and inviting our "movers and shakers" of tomorrow. Please consider joining us for a fun and productive get together. Information about the meeting is available from your NYFOA directors, chapter chairs or from Debbie Gill at the NYFOA office.

*

Just when you think you have everything under control, Mother Nature has a way of showing you that she is really the only one in charge. On Friday April 4th, a significant

ice storm that was largely unpredicted coated trees, power lines, and virtually everything with up to one inch of heavy ice. Many areas in the state saw some damage, power outages and major closings. The heaviest hit area was Wayne County (where I grew up and where my woodlands are located), which borders Lake Ontario, east of Rochester and west of Syracuse. 90,000 residents out of a population of 100,000 lost power, many for over a week.

My parents, other family and friends were all safe and sound (thank goodness for generators) or moved in with someone that had power. I then turned my attention to my farm and woodlands. My first impression was one of shock and disappointment. Hundreds and hundreds of trees were either uprooted, bent over to the ground, or tops were broken off, and not a trail, road, field or stream was spared. The stands of hard maple and hickory and tulip have three to four feet of "slash" throughout them. Many of the stately sycamores I had planted along the road into my property were topped, limbed or bent over. The willows that I had planted ten years ago for stream cover had lost two-thirds of their crowns. What a devastation!!

Now just two weeks later, I am beginning to see the positive effects from the ice storm of 2003. The vast majority of the tree losses from this frozen tree trimmer were cottonwood, aspen, sumac, box elder, and willow. Many of these were on their way out anyway and once we get them all cleaned up we will have a several-year break from our normal spring cleanup, since all the weakened ones are now down! The new brush piles are already home to a few birds and many mice. The good hardwoods have lost some of their crowns, but now the strong ones will not only survive, they will flourish with less crowding and more sunlight. The willow's downed branches have become a nursery stock for new stream edge plantings. I have learned two things now that I have a little perspective: 1) Mother Nature is in charge and 2) She knows what She is doing.

Have a great summer! 🌲

-Geff Yancey, President

Join!

NYFOA is a not-for-profit group of NY State landowners promoting stewardship of private forests for the benefit of current and future generations. Through local chapters and statewide activities, NYFOA helps woodland owners to become responsible stewards and interested publics to appreciate the importance of New York's forests.

Join NYFOA today and begin to receive its many benefits including: six issues of *The New York Forest Owner*, woodwalks, chapter meetings, and two statewide meetings. Complete and mail this form:

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The State's Toughest Tree Test

DAN ANDERSON

To those of you who think they are very knowledgeable about tree identification, this is a test of your abilities. No *Peterson Field Guide* or College Dendrology course can adequately prepare you for success. You must rely on your creative sense of word play and puns, along with a working knowledge of our trees and shrubs. Answers to these riddles will appear in the next issue of *The New York Forest Owner*. Good Luck.

1. This tree is always found in "twos."
2. Our local "sweetheart" tree.
3. NYFOA members love this tree because it can go "veneer," that is in perfect condition.
4. You could "long for" this tree.
5. Two of the "saddest" trees in our forests.
6. Our favorite Halloween shrub
7. You might bonk an old person with this tree.
8. When I glance your way I might see _____!
9. This tree is angry because it is always "burned up."
10. Three of four human taste bud tingling trees.
11. Too many of these in your woods could be considered a "Biblical Plague."
12. This may have been your "initial" lovers tree.
13. This Southern tree needs "Rogaine."
14. This small tree could be litigation against "Old MacDonald."
15. Something is "fishy" here.
16. You could be "barking up the wrong tree."
17. The Dutchman's favorite tree.
18. This Southern tree could be useful if you drank too much coffee on a fishing trip!
19. Planting this tree could "clean up" your yard.
20. Add a "J" to the front of this tree name and you might "get it."
21. Could a seismograph detect the presence of this tree in your woodlot?
22. A Native American might "quiver" for this shrub.
23. The "key" to unlocking this riddle is on the bottom of the skirt!
24. The "softest" wood in our forests.
25. This tree never produces any "leaners," as it is always perfectly vertical. 

Dan Anderson is an MFO, and the Vice-Chairman of the Allegany Foothills chapter of NYFOA.

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The Knots of Timber Tax

LLOYD R. CASEY

As we approach tree-planting season, I have received many calls asking how to expense tree-planting costs. The simple answer is that you cannot expense tree-planting costs. Tree planting is a capital expense, which means that costs cannot be deducted until the trees are sold. That is the bad news; the good news is that there are special provisions, the reforestation amortization and the reforestation tax credit.

Thanks go to a group of nonindustrial private forest owners who cornered Senator Packwood of Oregon and pointed out that this particular "capital expense" was discouraging forest owners from reforesting after harvests. The Senator added the reforestation provisions to a popular boat bill and it passed. It is now part of the Internal Revenue Code.

Forest owners can spend up to \$10,000 a year on reforestation expenses and are allowed to take a ten


percent tax credit (a deduction from taxes owed). In addition, ninety-five percent of the costs can be amortized over an eight-year period. In the first year 1/14th of 95% is deducted. In years 2 through 7, 1/7th is deducted and finally in the 8th year the final 1/14th.

Report the amortization on form 4562 Part IV. One cannot initiate on an amended return, but missed amortization deductions can be reported on an amended return.

If you consider yourself an investor, report on Form 1040 on the "adjusted income" line and write in REFR.

If you consider yourself in the "timber growing" business report on schedule C, the "other expense" line and explain on page 2.

The other good news is that you do not have to plant trees to obtain these deductions. Any funds that you spend to regenerate the forest can be deducted. Examples include fencing to protect natural regeneration from deer browse, prescribed burning to stimulate oak regeneration, and spraying fern to stimulate regeneration.

The amortization and the tax credit will not only save production costs, but they will reduce carrying costs that normally occur from reforestation costs. 

Lloyd R. Casey works in the Forest Land Owner Assistance area of the USDA Forest Service Northeastern Area.

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Three Timber Theft Bills Introduced in NYS Legislature

ROBERT MALMSHEIMER

Three timber theft prevention bills have been introduced in the New York State Legislature this year. These bills were developed by the New York State Legislative Commission on Rural Resources based on the timber theft hearings the Commission conducted in 2000 and the recommendations of the Timber Theft Advisory Committee the Commission convened in 2001 and 2002.¹ This article provides an overview of these bills.

S.2748/A.6359 Timber Theft Penalties and DEC Review of Local Government Forestry Ordinances

Sponsored by Senators Nancy Lorraine Hoffman and Patricia K. McGee, and Assemblyman Darrell J. Aubertine.

New York State law currently contains inconsistent penalties for timber theft, some of which have not been amended since 1909. This bill would increase and standardize the timber theft penalties found in various sections of the New York State law.

The bill would increase the civil penalty for timber theft on public lands from \$10 per tree to three times the stumpage value of the trees taken or \$250 per tree, or both. More impor-

tantly for NYFOA members, the bill would replace section 861 of the NYS Real Property Actions and Proceedings law, which authorizes civil lawsuits by private landowners against timber thieves, with a new section 861. The new section would allow landowners to recover for:

1. Theft of Trees: three times the stumpage value of the trees taken or \$250 per tree, or both;
 2. Injuries to the Resource: damages for injuries done to the land in the course of the theft and the costs of restoring the land to its prior condition; and
 3. Court Costs: attorneys' fees, survey costs and other costs associated with maintaining a civil lawsuit.
- In addition, the new section would only authorize a court to award lesser penalties (the stumpage value of the trees taken or \$250 per tree, or both, compared to three times these amounts) when the defendant proved by clear and convincing evidence that the defendant reasonably believed the land was his own or he had a legal right to harvest on the land. By specifying that such evidence could include the marking of property boundaries prior

to cutting, the notification of adjoining landowners at least ten days prior to cutting, or by other similar actions, the bill would encourage the marking of boundaries and neighbor notification.

Many forest owners, managers, and commentators believe that local governments often enact well-meaning, but uninformed, ordinances that restrict forest landowners' management decisions. This bill would also establish a procedure for the review of local government forest management ordinances. This bill would authorize municipalities and interested parties, including forest landowners, to request the DEC Commissioner to review a proposed ordinance which may regulate the practice of forestry. The DEC Commissioner could also undertake such a review on her own initiative. After receiving the proposed ordinance, the Commissioner would have 45 days to review the ordinance, during which time the municipality would have to defer final action on the ordinance. The Commissioner's review of the ordinance would analyze the impact of the proposed ordinance upon the long term viability of forests in the municipality and recommend modification to the ordinance, or alternatives to the ordinance, which the municipality could undertake to promote best forestry practices.

This bill would also add the practice of forestry to the list of factors local governments must consider as a part of their regulation of planning and zoning. This addition should help ensure that local government planning and zoning efforts recognize the importance of forestry to the state's economy and environment.

¹ For more information on the Timber Theft Advisory Committee, see Hugh Canham's article on page 18 of the May/June 2002 issue of the *New York Forest Owner*.

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S.2752/A6361 Seizure of Equipment Used in Timber Theft

Sponsored by Senators Nancy Lorraine Hoffman and Patricia K. McGee, and Assemblyman Jacob E. Gunther, III.

One of the most persistent issues raised in the Commission's hearings and at the Advisory Committee's meetings was the importance of deterring timber theft by repeat offenders. This bill addresses this problem by authorizing law enforcement officers to seize equipment used in timber theft.

The bill would allow law enforcement officers to seize timber harvesting equipment unless the harvester has written permission from the property owner or a bill of sale for the timber. The bill balances the need to seize assets with the potential economic impact on innocent harvesters by requiring a court within 48 hours of the seizure to determine if there is sufficient evidence to justify the continued impoundment of the equipment. If the harvester establishes that he reasonably believed he had the right to harvest such timber, because the boundaries of the property were marked and adjacent landowners were notified prior to harvesting or by some similar action, the court shall release the equipment. If the court determines there is a reasonable basis to continue the action, the court would hold a hearing will then be had on the violation. The owner of the seized equipment could also petition the court to recover the forfeited property.

S.2779/A.6548 DEC Timber Theft Prevention Education Program

Sponsored by Senators Nancy Lorraine Hoffman and Patricia K. McGee, and Assemblyman Jacob E. Gunther, III.

Despite differences on many issues, all the Timber Theft Advisory Committee's members agreed that education was one of the most important ways to deter timber theft and increase the successful criminal and civil prosecutions for timber theft.

This bill addresses this issue by creating a timber theft prevention program which would provide educational workshops for forest landowners, guidance to localities, and training and educational workshops for law enforcement, judges and district attorneys. These workshops would focus on ways to prevent timber theft, assist timber theft victims, and prosecute timber thieves. The workshops would increase public awareness of timber theft and inform landowners and law enforcement officials about ways to prevent and redress timber theft on public and private lands.

Conclusion

The enactment of these bills would address many of the timber theft issues raised by forest landowners, foresters, loggers, the NYSDEC, and other interested parties at the Legislative Commission on Rural Resources' hearings, and at the Timber Theft Advisory Committee's meetings. NYFOA members helped to develop these bills by testifying at these hearings and serving on the Advisory Committee.

More information about the bills, including their current status, can be found at the NYS Senate's and Assembly's websites (www.senate.state.ny.us and www.assembly.state.ny.us) or by calling the NYS Legislative Commission on Rural Resources at 518/455-2544. The Commission would like to

hear forest landowners' opinions on the bills and is asking forest landowners to write letters of support or opposition to the Commission (NYS Legislative Commission on Rural Resources, Legislative Office Building, Albany, NY 12247) so that it can inform the Commission's Senate and Assembly's members of forest landowners' opinions. Copies of these letters should also be sent to forest landowners' local Senator and Assemblyman. Letters should indicate the bill number and be short and to the point - express your support or opposition quickly.

Timber theft is a major problem in New York. These bills were written to address this problem. Forest landowners need to let the Legislative Rural Resources Commission and their local legislators know whether they support or oppose these bills. ▲

Robert Malmshheimer is an Assistant Professor of Forest Law and Policy at SUNY ESF, a member of the NYFOA Board of Directors, and is a member of the NYS Legislative Commission's Timber Theft Advisory Committee.

NYFOA Scholarship Fund
As of April 1, 2003, the NYFOA Endowed Scholarship Fund that is administered by the SUNY ESF College Foundation, Inc. has a fund balance of \$18,740.96.

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Forest, Farm Land Protected in Finger Lakes Land Trust's Largest Easement to Date

ANDREW ZEPP

A 434-acre parcel of land in the town of Springwater, Livingston County, will be protected from uncontrolled development forever, thanks to the Finger Lakes Land Trust and John and Carol Krebs.

The Krebses have donated the development rights to the Land Trust under a process known as a conservation easement. "This is the largest easement we have accepted to date," said Sara Kersting, the Land Trust volunteer who worked with John Krebs to structure the easement. "It will protect productive forest and farm land and conserve the quality of Honeoye Lake water, wildlife habitat, and scenic views."

Conservation easements are voluntary legal agreements that use land use restrictions to protect the natural values of the land while maintaining private ownership of the property. "Conservation easements are a flexible, creative way to help protect many public benefits," Kersting noted. Volunteers from the Land

Trust's Western Lakes Chapter will monitor the property to ensure compliance with the terms of the easement. Public access is not permitted.

The Krebs property lies high on the hills south and east of Hemlock and Canadice Lakes. It includes 313 acres of forestland, 116 acres of farmland, and five acres of ponds and wetlands. The property drains both east into the Honeoye Lake watershed and south to the Cohocton River Basin. The land is home to deer, grouse, woodcock, turkey, fox, coyote and even occasional bear. It has many changes in elevation, rising to about 2240 feet at one point.

This easement is not only unique in its acreage, but in its nature, said Kersting. "It allows for farming and agricultural activities to continue in the six fields currently open, and also allows the owners to actively manage the forestlands to produce forest products, as has been done for 38 years." The owners will also retain the right to divide the property into

five parcels and within each parcel construct a single family dwelling.

There's a historical note as well. Krebs said that part of the farmland was once owned by US Army Major General Kenneth C. Townson. General Townson was a veteran of both World War I and II, commander of the 98th Infantry Division from 1946-49, and for several years, served as Rochester's public safety commissioner.

Retaining the right to continue periodic timber harvesting, thinning, and reforestation work, Krebs will be working closely with the Land Trust to insure that forest practices are ecologically sound and on a sustained yield basis. "This will be no problem for John, who has been managing his forests this way ever since he acquired this land," says Kersting. "Hiring a reputable forester was not enough for him; he studied forestry and became active in the New York Forest Owners Association, serving on the Board of the local chapter, and then as a NYFOA Director. John has



NYFOA member John Krebs and Sarah Kersting from the Finger Lakes Land Trust walk the Krebs property. They are at a spring fed pond at 2240' elevation.



A young hardwood stand on the Krebs property.


been a master forest owner volunteer since 1991."

The forestland is under a state forest management plan, which requires extensive forest management plans, updated every five years, and has been under the care of a senior forester who recently retired from the Department of Environmental Conservation. It is also a tree farm, certified by the American Tree Farm System, which requires regular inspections and re-certifications. In 1994, Krebs' forest management practices earned him the New York State Outstanding Tree Farm Award.

"We wanted to leave something of value to future generations," Krebs said. "It was important to us to keep the land in agriculture and timber production, and you can't do that if it's carved up into little pieces."

Retired from Kodak's consumer film manufacturing division, Krebs credits his love for the outdoors to his father, who introduced him at an early age to the beauty of the Hemlock-Canadice area. John Krebs continued to drive down from Rochester to hike, enjoy winter sports, and hunt the hills, and in 1965 began buying land. Eventually, develop-

ment began occurring in the area, and when a neighboring tract was taken out of agricultural and forest products production and subdivided into many small parcels, John and Carol Krebs decided to prevent that from ever happening to their land.

The Krebs easement brings the total acreage protected by the Finger Lakes Land Trust to 6,946 acres across its 12-county, 6,000-square mile region. Founded in 1989, the Land Trust works cooperatively with landowners to protect significant lands. The Land Trust is headquartered in Ithaca. Further information is available from its Western Lakes (585) 394-4189 or Ithaca office (607) 275-9487 or by visiting www.flit.org 

Andrew Zepp is executive director of the Finger Lakes Land Trust.

FACTS ABOUT CONSERVATION EASEMENTS

- A conservation easement is a voluntary legal agreement between a landowner and a land trust (or other qualified organization) in which the landowner places permanent restrictions on the use of his or her property, in order to protect the natural values of the land.
- Restrictions usually include limitations on residential, commercial and industrial development. However, every easement is unique, and restrictions are the decision of the landowner, in agreement with the land trust.
- The easement becomes a permanent part of the title, recorded with the County Clerk, and future owners must comply with the terms of the easement.
- The land trust is responsible for monitoring the property on a regular basis and enforcing the terms of the easement if necessary.
- The landowner retains all other rights over the property, including the right to sell, lease, transfer or mortgage, and can use the land in any way that is consistent with the easement.
- Most conservation easements do not provide public access.
- Possible income tax benefits to the landowner: The Finger Lakes Land Trust is a tax-exempt non-profit organization. Donation of an easement to such an organization is usually considered a charitable contribution, and can be deducted from income for federal and state income tax purposes, as long as certain IRS conditions are met.
- The Finger Lakes Land Trust now holds more than 30 easements in the 12-county, 6,000 square mile Finger Lakes region. Six of these are located in the Western Lakes Chapter (four in Ontario County, two in Livingston County).

For further information on conservation easements, please visit the Finger Lakes Land Trust website at www.flit.org

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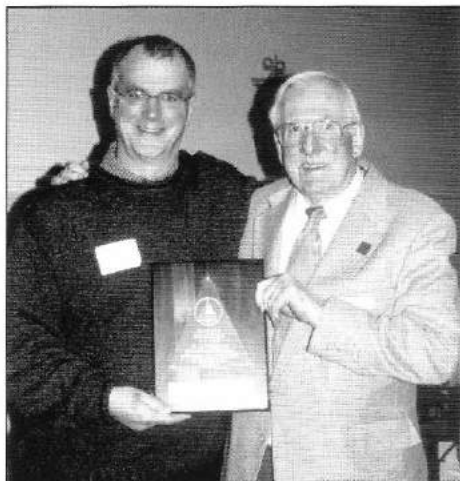
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NYFOA AWARDS

During the annual Spring Meeting David Colligan, Henry Kernan, and Joan and Hans Kappel were presented with awards from NYFOA. The articles here contain a portion of the award speech to the individuals. The 2003 NYFOA Awards Committee was chaired by Robert M. Sand and consisted of Jim Beil, Jill Cornell, Harry Dieter and Charlie Mowatt.

HEIBERG MEMORIAL AWARD PRESENTED TO DAVID J. COLLIGAN



Bob Sand presents the 2003 Heiberg Memorial Award to David Colligan(l).

Each year the New York Forest Owners Association presents the Heiberg Memorial Award to recognize outstanding contributions to forestry and conservation in New York State. The award memorializes Svend O. Heiberg, a renowned Professor of Silviculture at the NYS College of Forestry (now the SUNY College of Environmental Science and Forestry), who was responsible for proposing the establishment of a forest landowner association in New York State over 40 years ago. With Hardy Shirley, Dean of Forestry, Professor Heiberg began the meetings that eventually organized NYFOA.

This year at the Annual Spring Meeting, which was a part of the New York Farm Show, NYFOA honored an exceptional recipient, David J. Colligan, with the 37th Heiberg Memorial Award.

Colligan is an attorney and partner in the Buffalo law firm of Watson, Bennett, Colligan, Johnson & Schecter, LLP, and

has been practicing law for twenty-five years. Dave has a sweet tooth and about twenty years ago became interested in the science of forestry as a result of making his own maple syrup. Shortly thereafter he joined NYFOA. In the early 1990s he was elected and served as a member of the NYFOA Board of Directors and later as co-chair of the Niagara Frontier chapter of NYFOA.

David has frequently lectured on legal issues affecting landowners including timber trespass, forest ownership succession planning, forest tax laws, and estate planning to forest owners. He has written numerous articles published in *Tree Farmer* magazine and in *The New York Forest Owner*. In 2002, he authored "Forest Land Taxation in the New Millennium: Stewardship Incentivized," an in depth review and comparison of forest land taxation laws nationwide for the *Denver Law Review*.

Mr. Colligan's interest in dendrology and forestry resulted in his election to the Board of the Buffalo Green Fund and serves as its Chairman of the Reforest Buffalo Committee. He acted as project administrator for the 100% street tree survey of all the existing trees and available planting sites within the city-owned rights of way in Buffalo. Covering 42 square miles and 700 miles of streets, this survey identified nearly 67,000 existing trees and 36,000 available planting sites. This has led to renewed public and private interest in restoring the city's tree stock.

David was also instrumental in bringing the New York Releaf annual meeting to Buffalo in the summer of

1999 to help revive interest in reforesting the city trees of Buffalo. He is currently project administrator of a Tree Master Plan project being completed for the City of Buffalo, which is due out this spring. This plan will outline the complete replanting of missing and dying street and park shade trees of Buffalo within the next ten years, and how to maintain the present tree population.

David recently joined the Board of Directors of the Buffalo Olmsted Parks Conservancy where he is working to promote the restoration of the Olmsted-designed arboretum located at South Park, one of Buffalo's six Olmsted Parks. As a member of the Empire State Forest Products Association Board of Directors, he acts as a representative of the small forest landowners' interests within New York State.

NYFOA applauds the accomplishments of David Colligan, a dedicated individual, and presents this award for his exceptional volunteer leadership and dedication to excellence as author and lecturer on behalf of the NYFOA membership. ▲



Ron Pedersen presented Bob Sand with a Lifetime Achievement Award for all of his years of service to NYFOA and most notably for his work with the annual NYFOA awards. Bob was surprised by this honor and most appreciative of the recognition. Thank you Bob for all your efforts and many years of service to NYFOA.

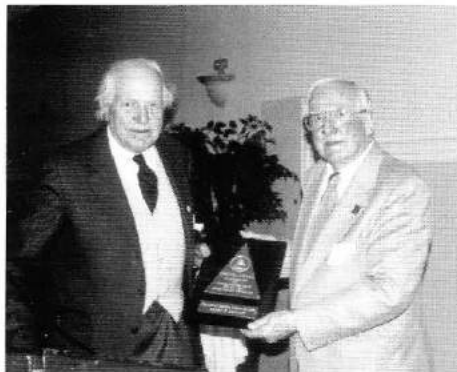
HENRY KERNAN RECEIVES NYFOA SERVICE AWARD

The twenty-seventh New York Forest Owners Association (NYFOA) Outstanding Service Award was presented to Henry S. Kernan at the 2003 Annual Spring Meeting. The award, which recognizes outstanding service to the NYFOA membership, acknowledges Kernan's capable involvement, concern and support by a very unique forester who has contributed significant time and talent that has benefited numerous members.

A professional international forester and member of the Society of American Foresters for over 62 years, Kernan was also an early member of NYFOA, a New York forest owner, a NY Tree Farm member and certifier, as well as an author. Born in Utica, NY on October 5, 1916, Henry lived in Manhattan until 1939. He and his wife were married on February 22, 1942 and are the parents of five children, three sons and two daughters.

Kernan has a lengthy educational background, which includes Montclair Academy, receiving an A.B. degree in 1938 from Harvard College, and a M.F. degree from the Yale School of Forestry in 1941. He also attended the Columbia National University of Mexico, Vanderbilt University of Maryland and the Graduate School, US Department of Agriculture.

Henry's employment history is as diverse and lengthy as his education. He has held positions with a variety of organizations including Donnacona Paper Co. of Quebec, Canada; International Paper Company, Georgetown, SC; Potlatch Forests,



Henry Kernan receives the NYFOA Service Award from Bob Sand.

Lewiston, ID; Board of Economic Warfare, Bogotá, Columbia, South America; American Forestry Association, Washington, DC; Agency for Economic Development; and as a visiting professor of International Forestry at SUNY ESF. Henry has also been an International Forestry and Natural Resources consultant with various employers in 45 foreign countries and in 1975 taught forestry in Morocco.

Since 1947 his legal domicile has been in South Worcester, NY. He has owned and managed since 1947 1,176 acres of forest land in Otsego and Delaware Counties. He is a Certified American Tree Farmer and served as a NY Tree Farm Certifier since 1961. Henry has hosted 26 woods walks and issued 1,115 hunting permits, distributed 43,900 free seedlings and has published 394 articles on forestry and conservation, many translating into six languages. As an Independent Consultant, the Kernan family spent years overseas, including 6 years in Tehran, 4 years in Spain, a year and a half in Korea and 8 years in Vietnam.

Kernan served on NYFOA's Board of Directors until 1975 when he left to accept a teaching assignment in Morocco. He has authored 36 articles for *The New York Forest Owner*.

It is with sincere appreciation for the many contributions of talent, time and energy by Henry S. Kernan that NYFOA presents the 2003 Outstanding Service Award. Congratulations Henry! 🏆

Heiberg Award Recipients

1967	David B. Cook
1968	Floyd Carlson
1969	Mike Demeree
1970	No Award
1971	Fred Winch, Jr.
1972	John Stock
1973	Robert M. Ford
1974	C. Eugene Farnsworth
1975	Alex Dickson
1976	Edward W. Littlefield
1977	Maurine Postley
1978	Ralph Nyland
1979	Fred C. Simmons
1980	Dr. William Harlow
1981	Curtis H. Bauer
1982	Neil B. Gutchess
1983	David W. Taber
1984	John W. Kelley
1985	Robert G. Potter
1986	Karen B. Richards
1987	Henry G. Williams
1988	Robert M. Sand
1989	Willard G. Ives
1990	Ross S. Whaley
1991	Robert S. Stegemann
1992	Bonnie & Don Colton
1993	Michael C. Greason
1994	Douglas C. Allen
1995	John C. Marchant
1996	Harriet & John Hamilton
1997	Vernon C. Hudson
1998	Peter S. Levatich
1999	James E. Coufal
2000	James P. Lassoie
2001	John T. Hastings
2002	Albert W. Brown
2003	David J. Colligan

Outstanding Service Award Recipients

1978	Emiel Palmer
1979	Ken Eberly
1980	Helen Varian
1981	J. Lewis Dumond
1982	Lloyd Strombeck
1983	Evelyn Stock
1984	Dorothy Wertheimer
1985	David H. Hanaburgh
1986	A. W. Roberts, Jr.
1987	Howard O. Ward
1988	Mary & Stuart McCarty
1989	Alan R. Knris
1990	Earl Pfarnar
1991	Helen & John Marchant
1992	Richard J. Fox
1993	Wesley E. Suhr
1994	Alfred B. Signor
1995	Betty & Don Wagner
1996	Betty Densmore
1997	Norman Richards
1998	Charles P. Mowatt
1999	Eileen and Dale Schaefer
2000	Erwin and Polly Fullerton
2001	Billy Morris
2002	Donald G. Brown
2003	Henry S. Kernan

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SPECIAL RECOGNITION AWARD TO THE KAPPELS

At the 41st annual NYFOA Membership meeting the 2003 Special Recognition Award was presented to Joan and Hans Kappel, a couple residing in Altamont, NY who have together served as a team for the benefit of the NYFOA membership. The Kappels have been NYFOA members since 1990 and soon thereafter became involved with the Capital District Chapter (CDC). They presently are the Capital District Chapter Designated Directors on the NYFOA Board of Directors.

Joan serves as chair of the Editorial Committee, a position to which she has given much time and expertise over the past five years to make *The New York Forest Owner* an outstanding publication. She also developed a CDC e-mail alert, which is a system to let members know what chapter programs are available, when and where they are, and directions on how to get there. This e-mail network is also convenient for Legislative Alerts.

Hans has also been active in a great number of CDC's involvements, by arranging photos and displays, not only for NYFOA, but for both CDC and SAC events, County Fairs, festivals at Thacher Park, The Shad Festival, Wetland Festival and the Forestry Awareness Day. Hans has also made



Ron Pederson presents the award to Joan and Hans Kappel.

many videos of various events and programs.

Together, the Kappels were greatly involved in working long hours to accomplish a standout success of CDC's Family Forest Fairs in both 1997 and 1998. They were instrumental in securing outstanding craft vendors for both events. They are also actively involved with the Northeastern Woodworkers for their showcase event in March at Saratoga.

Joan and Hans have always demonstrated a cheerful, helpful and accommodating demeanor when involved with NYFOA members. They have been enthusiastic advocates of the many benefits to potential candidates of NYFOA membership. It is with sincere pleasure that the 2003 Special Recognition Award was presented to Joan and Hans Kappel for all their contributions to NYFOA. ▲

NEWS & NOTES

New York Outstanding Tree Farmer 2003

▲ Mrs. Jean Vetter of Bonny Belle Farm in Chestertown, Warren County has been selected as New York's Outstanding Tree Farmer for 2003. Jean and her husband Fred were charter members of New York Tree Farm in 1956. The property has been in Mrs. Vetter's family since 1903, so they are also celebrating a century of stewardship this year. The Vettters have been implementing a written forest management plan on their 400 acre Tree Farm since 1950. Steve Warne, recently retired DEC Forester, nominated Mrs. Vetter for this award in part because she is "continuing her father's legacy of multiple use management and conservation." Steve also notes that the property has been used as a demonstration site for many years, and has hosted several Woods Walks for the Southern Adirondack Chapter of NYFOA.

2003 New York Tree Farm Inspecting Forester of the Year

▲ Herkimer DEC Forester Gary Miller was selected as the 2003 New York Tree Farm Inspecting Forester of the Year. Gary has been a Tree Farm Inspector for nearly 15 years, and nominated last year's Outstanding Tree Farmer, John Olney. Gary is involved in the Conservation Field Days and Envirothon events in addition to his regular duties. Gary played a significant role in helping to reduce New York's backlog by completing 21 re-inspections in 2002.

Correction

▲ In the March/April issue of *The New York Forest Owner*, a listing of Tree Farmers celebrating 25 years as a Certified Tree Farm in 2002 was printed. Norman D. Briggs, who has a tree farm in Essex County, is also celebrating 25 years and was inadvertently left off the list. We apologize for this omission. ▲

Susan J. Keister, L.L.C.

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HOW TO: *Care for Seedlings*

Ten Tips for Seedling Survival

Bill Carey, a professor at Auburn University's School of Forestry, offers these rules for seedling care and handling.

1. Do not allow seedlings to dry out.

Ample moisture is the key factor in seedling survival; seedlings must never be allowed to dry out from the nursery to planting to established stand in the field. "If they dry, they die" is an old axiom.

2. Transport seedlings carefully.

Rough handling can damage root systems and predispose seedlings to stress.

3. Avoid temperature extremes.

Fluctuations in temperature, especially excessive heat, during storage and transport can result in seedling trauma during outplanting.

4. Plant promptly.

Once seedlings are lifted, minimize storage time, especially early in the season, and avoid extended transplant time.

5. Do not trim or prune seedling roots.

Seedlings need every single tiny root to absorb moisture and nutrients from the ground, so the more root surface, the better the growth.

6. Do not wash or shake gel from roots.

Gel applied to roots at the nursery prevents drying out during transport, decreases planting shock, and improves acclimation to planting site.

7. Plant bare-root seedlings in NYS from November 7 to December 15, and after April 15.

Cooler temperatures

are more conducive to seedling survival and healthy growth.

8. Plant seedlings deeply.

Greater exposure to the soil and its water content—even one-half inch of added depth of planting—significantly improves survival rates.

9. Use mechanical planting, if possible.

Although slightly more expensive, planting mechanically yields better results and is an investment that pays off.

10. Do not attempt to plant seedlings that have frozen in the pack.

Freezing irreversibly damages the root system, leading to seedling death.

You'll make many important decisions before you begin a treeplanting operation: how to prepare the site for planting, selecting the appropriate genetic stock for the site, whether to use bareroot or containerized stock, when to plant, and how to protect the trees once they're in the ground. Yet the success of any planting operation hinges on how well you care for seedlings before they are planted.

"My top concern in seedling handling is preventing moisture stress," says Daniel J. Simonds, silviculture manager for MeadWestvaco Corporation's New England Region Forestry Division in Rumford, Maine. "I try not to let them dry out at all between nursery and planting day. We deal almost exclusively with small (usually one-year-old) containerized spruce, pine, and some larch seedlings.

They survive well once planted, but the small, peat root plugs dry out fast in storage. If it isn't raining, we like to water them almost daily in storage."

Simonds says some foresters go so far as to store seedlings at the planting site in refrigerated storage vans to avoid

BILL CAREY AND STEVE WILENT

watering, but he hasn't done so yet.

Craig Stange, a forester with the Natural Resources Conservation Service in Bismarck, North Dakota, says moisture stress is even more of a concern in his region. Stange says his state gets 13 —22 inches of rain per year, and some locations have received less than 8 inches this year. Weather conditions during the past few planting seasons have varied from 50 degrees and foggy to more than 90 degrees with 30-mile-per-hour winds and humidity of less than 15 percent.

"If the person sitting on the machine is not wet, muddy, and miserable after a day of planting, then there is a likelihood that the stock was not kept moist enough," says Stange.

Wet, Wet, Wet, and Cool

Seedlings must be kept "wet, wet, wet," says Stange. "A South Dakota study showed that Scotch pine seedling roots exposed to sun and air on a 73-degree day for only two minutes suffered an 80 percent mortality. Generally, trees must be stored as dormant stock in refrigerated coolers and transported in vehicles that can keep them shaded, out of the wind, reasonably cool, and very moist. Stock removed from the cooler and not planted should be planted the next day and not reshelled in the cooler."

Stange says treeplanting machines must be equipped to carry the stock in a way that the roots are shaded, moist, and out of the wind.

"Pray for rain," says Emerson. "The only data I have been able to correlate with survival is post plant rainfall. If rainfall occurs soon after planting, survival is nearly always good. But if it is dry for a month, it is usually poor." ▲

This article originally appeared in the October 2002 issue of "The Forestry Source" a publication of the Society of American Foresters. It is reprinted with their permission.



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NYFOA Toasts DEC Foresters at Retirement/Appreciation Brunch

GRETCHEN McHUGH

One hundred twenty appreciative forest owners, loggers and friends attended a brunch honoring retired New York State Department of Environmental Conservation service foresters Ron Cadieux, John Hastings and Steve Warne on Sunday, March 30, in Saratoga.

The Southeast Adirondack Chapter of NYFOA hosted the event at the historic Gideon Putnam Hotel in Saratoga State Park. While snow fell outside, warmth and good wishes flowed unabated in the dining room, where one after another landowners and colleagues expressed their thanks to the three men who, working out of the Warrensburg DEC office, between them contributed more than 100 years of service to landowners in Saratoga, Warren and Washington Counties.

Master of Ceremonies Mike Greason, who for 18 years monitored

the DEC service forestry program throughout New York, praised the three men.

"Service forestry," he said, "is supposed to serve as a catalyst to motivate forest owners to manage their woods. These three guys did that as well as any forester I've ever met.

"Warrensburg was set apart from most of the state in that all the three service foresters working out of that office were outstanding," Greason said. "In every productivity analysis I measured, Warrensburg ranked in the top three, and their productivity would be three times the state average in ten categories. This high output of service was consistent year after year."

However, Greason made sure to note the distressing news that while the need for unbiased service foresters has grown, their numbers have dwindled alarmingly.

"The Forest Practice Act of 1947 assigned responsibility for forest landowner assistance to the Conservation Department," Greason said. "Upon creation of the DEC in 1970 that program has come under continual pressure to downsize and back away from its mandate. At the same time, demand for services has steadily grown.

"There are 506,000 forest owners in New York State needing guidance to become good forest stewards. From 1980 to 1998, staffing dropped 45 percent for this program," he said.

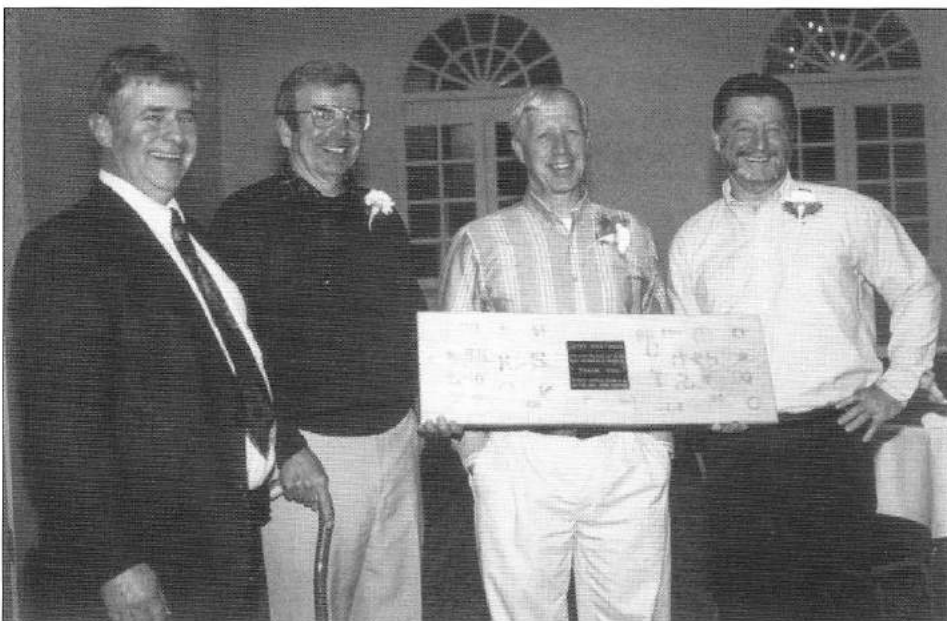
At present only 24 DEC foresters remain to serve the half million private landowners who own 85 percent of New York's forested land, according to NYFOA.

In Warrensburg, one forester, Rich McDermott, has so far replaced the three retired foresters.

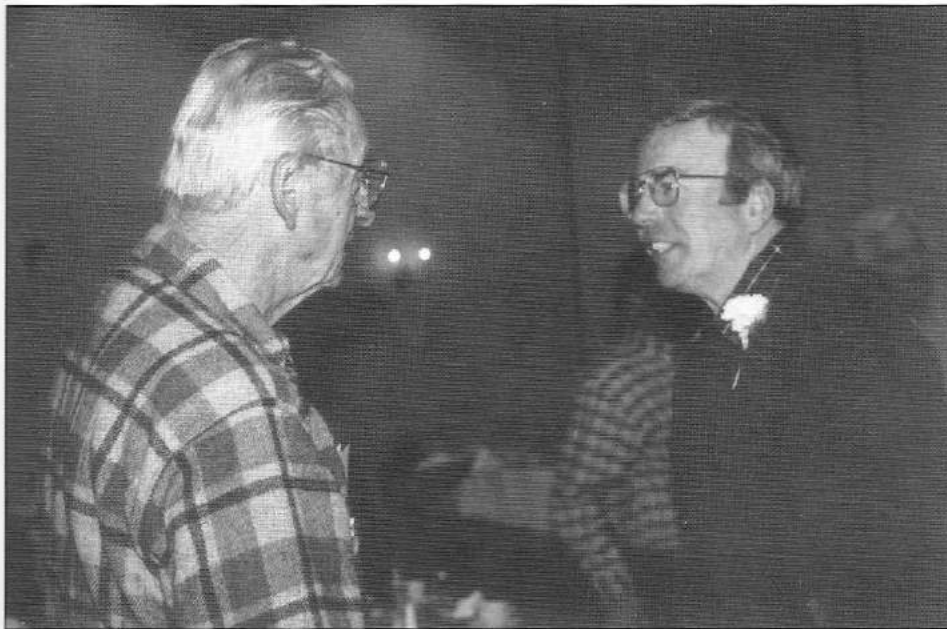
Cadieux, Hastings and Warne were also honored for their services as volunteer inspectors and recruiters for the American Tree Farm System. Their volunteer years total more than the 47-year life of New York's Tree Farm program.

That figure—and high praise—came from Dennis Flynn, who succeeded Ron Cadieux as area chairman and was himself named 2002's Outstanding New York Tree Farm chair in Area 4, which covers Saratoga, Warren and Washington Counties. Between 1987 and 2002, Flynn said, the three Warrensburg-based foresters signed up 415 new tree farms. Ron Cadieux now has 31 tree farms under his care; John Hastings oversees 96 and Steve Warne 65.

Under Warne's supervision in Warren County, Erwin and Polly Fullerton were named New York



Left to right: Mike Greason with Steve Warne, John Hastings and Ron Cadieux, with the basswood plaque presented to each forester from the Southeast Adirondack Chapter of the New York Forest Owners Association on March 30, 2003.



Erwin Fullerton with Steve Warne. Steve was Erwin and Polly's Tree Farm inspecting forester, and their farm was NY State's Outstanding Tree Farm in 1993.

State's Outstanding Tree Farmers of the Year in 1993, and Jean Vetter, with her husband Fred, received that honor in 2002.

The appreciative SAC/NYFOA members showered their foresters with gifts. Former SAC chairperson Jim Durrler oversaw the creation of unique plaques made from Fullerton Tree Farm basswood. The plaques were embedded with the marks used by timber companies to identify their logs among the millions once driven down the Adirondack rivers each spring. Each forester found his name followed by the inscription "Your mark has been left in the hearts and the woodlots of Washington, Warren or Saratoga County. Thank you. SAC of NYFOA."

Former NYFOA president Jill Cornell presented each forester with a 4-by 6-foot American flag. An attached note read: "This flag was flown over the U.S. Capitol on March 21, 2003, for Ron Cadieux/John Hastings/Steve Warne at the request of New York Congressman John E. Sweeney in recognition of his years of service as a forester with the New York State DEC."

Jim Beil, Assistant Director of Lands and Forests for the New York

DEC, presented not only service certificates but, from his personal archive, a photo of each forester with a fishing trophy. G. Robert Baker, NYFOA's SAC 2000 Logger of the Year, expressed his high regard for their work and tastefully roasted the foresters with antidotes and presented each forester with a loggers safety hard hat.

Mike Greason then went around the room and gave people an opportunity to speak. Many people shared stories



SAC members admiring one of the plaques that were presented to the retirees.



Ron Cadieux and Jim Beil, Assistant Director for DEC Lands and Forests, with a photo of Ron and his trophy bass.

about how these three foresters touched their woodlots and their lives. Scores of heartfelt thanks were heard.▲

Gretchen McHugh, who is a member of the SAC of NYFOA, provided all the photographs.

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The Carpenterworm: A Wood Boring Caterpillar

DOUGLAS C. ALLEN

The carpenterworm was first reared and described in 1818 from infested black locust near Cambridge, Massachusetts. It belongs to the family Cossidae (koss-i-dee), a group that contains approximately 45 North American species of carpenter moths and leopard moths whose caterpillar (i.e., larval) stages are true woodborers.

The adult female is heavy bodied with uniformly gray spotted or mottled wings and has a wing span of nearly 3 inches. The male moth is one-half to two-thirds as big and nearly black except for a distinct large yellowish to orange marking on each hind wing (Fig. 1). The full grown caterpillar (Fig. 2) can attain 3 inches in length, making it one of the largest known wood boring caterpillars. It has a shiny dark brown head with conspicuous black mouthparts. As seen from above (i.e., looking down on the caterpillar's back), each body segment has six prominent brown

spots, each with a single hair. The greenish white body is almost hairless and often has a pinkish to rosy cast on the back. Carpenterworms are easily distinguished from larvae of wood boring beetles, such as the locust borer (see *Forest Owner* July-August, 1998), because they have a number of legs on the posterior half of the body and their galleries usually contain silk.

This insect has a wide host range and prefers different species depending on geographic region. In the northeast, black locust is the most common target, whereas in eastern states and the deep south oaks are preferred. In the northern great plains green ash, commonly established in wind breaks, is heavily damaged. Cottonwood and elm are favored in northwestern states. Principle hosts in New York State, in addition to black locust, are ash and sugar maple.

The life cycle takes two to four years to complete in the northeast.

The caterpillar overwinters in a gallery (Fig. 3) that eventually may be as large as 1.5 inches wide and 12 inches long, a large hole indeed. When larval development is completed in spring, the caterpillar plugs the gallery opening with wood chips and then lines the upper region or end of the gallery with loose, yellow-brown silk webbing. This is where it pupates.

Presumably, the chip plug is a means by which the insect protects itself from natural enemies while in the vulnerable pupal stage. Before the moth completes development within the pupa, the latter wriggles down the gallery, punches through the plug and positions itself by the entrance hole in the bark. This allows the moth to emerge uninhibited by the confines of the larval gallery.

Moths emerge sometime in June or early July and scatter 400 to as many as 1000 eggs in sticky masses of two to six within bark crevices or adjacent

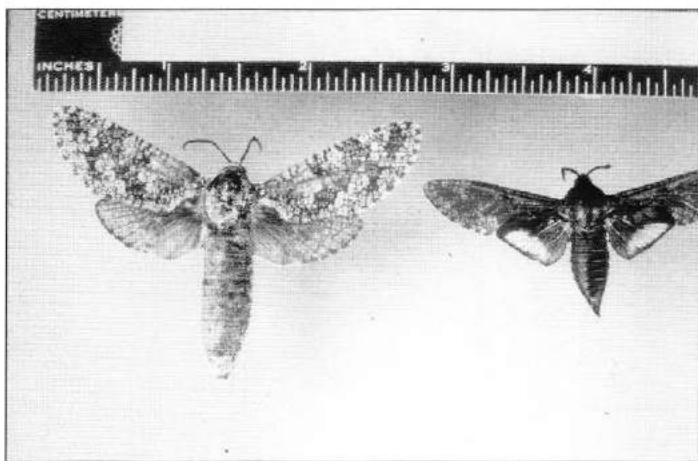


Figure 1. Carpenterworm adults. The female is on the left.

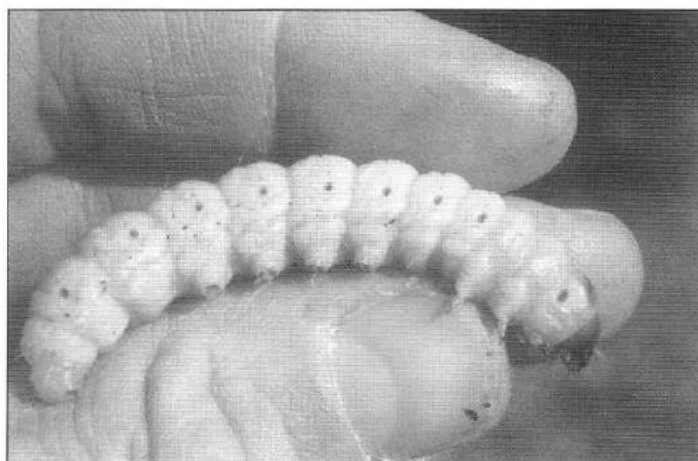


Figure 2. Mature caterpillar of carpenterworm.

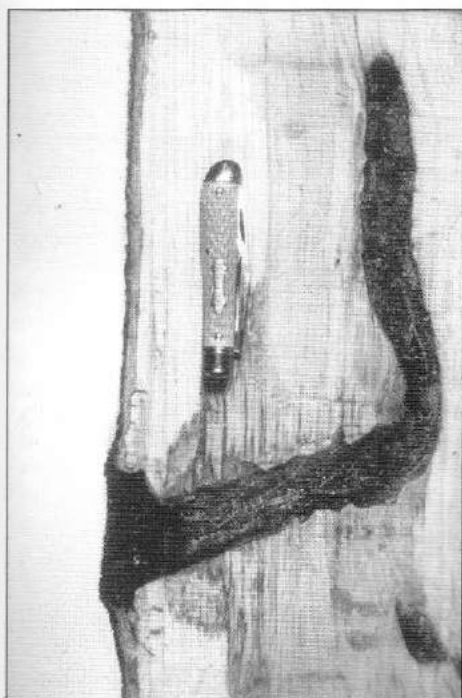


Figure 3. Carpenterworm gallery.

to wounds, broken branches, and areas of bark scarred by previous infestations. Immediately upon emerging from the egg each larva begins boring into the sapwood at an upward angle and eventually the gallery penetrates heartwood. Like wood boring beetles, the larvae do not eat the wood – they excavate the gallery solely for overwintering purposes. Apparently feeding is restricted to inner bark and callus tissue as it forms around the original opening or injury.

Damage can be extensive. The earliest indications of feeding are wet spots on the bark where sap mixed with frass (fecal pellets combined with wood chips) oozes to the outside. These dark spots become larger as the insect grows. By the time larvae are half to full grown large quantities of wood chips are pushed to the outside of the gallery and accumulate at the base of an infested tree or are trapped in bark crevices.

A tree with multiple infestations eventually is riddled with large tunnels (Figs. 4), especially when a tree has been repeatedly attacked by

several generations of carpenterworm. This can make a tree very susceptible to wind damage. Defects in lumber sawn from infested trees consists of large holes and pockets of ingrown bark, which in the case of oak can amount to an economic loss of several dollars per thousand bd. ft.

The most effective management practices are preventative measures such as maintaining stand vigor, minimizing physical damage to the bark of trees that will comprise the residual stand (those trees remaining after a harvest) and removal of “brood trees” before larvae complete development. These heavily infested trees are readily identified by excessive sap flow from openings in the bark accompanied by abundant frass. In regions where carpenterworm is abundant, shade trees may be especially susceptible, because more often than not they are under stress and also are very likely to receive physical injuries. Injecting a fumigant into an active gallery and then temporarily plugging the gallery with putty is recommended for urban trees. Also, working a stout wire into the

gallery and spearing the caterpillar works well in some instances.

Like most forest insects, the carpenterworm has many natural enemies, including parasitic insects, parasitic nematodes (roundworms), a bacterial disease, and woodpeckers.

Some of the information on carpenterworm was taken from *Wood and Insects* by ESF Professor Emeritus John B. Simeone. ▲

This is the 68th in the series of articles contributed by Dr. Allen, Professor of Entomology at SUNY-ESF. It is possible to download this collection from the NYS DEC Web page at: <http://www.dec.state.ny.us/website/dlf/privland/forprot/health/myfo/index.html>.

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Figure 4. Carpenterworm galleries in a cross-section (dia. 11”) of black locust.

Forestry Awareness Day in Albany

On April 7th, NYFOA and several of its officers joined forces with the Empire State Forest Products Association, the NY Society of American Foresters, and the New York Farm Bureau, to raise awareness of the importance of New York Forests. New York State with over 19 million acres of forests leads the Northeast in the size of our forest.

Exhibits were displayed in the concourse at Empire State Plaza while two forums were conducted in conference rooms nearby. In the morning a discussion of open space conservation, and sustainable forestry was given by a panel including Lynette Stark, Deputy Commissioner of Natural Resources at NYSDEC, NYFOA President Geff Yancey and representatives from National Audubon and the DEC Marketing and Utilization section.

In the afternoon representatives of the Farm Bureau, the NYS Medical Society and a professional lobbyist spoke about "Working with Legislators and the Media."

A legislative reception was held in the evening where numerous legislators and staff came to learn more about our ideas and concerns as well as educating us about how the current climate in Albany might impact our forests. Timber theft, the right to practice forestry, the recent victory in lumber grading for local operators and forestry tax issues were all topics of conversation. The dialogue NYFOA was able to have with legislators, DEC and other like-minded organizations will only help us in achieving our goals on behalf of New York's Private Forest Owners.

A special thanks to Hans Kappel who set up the NYFOA/MFO booth and then manned it both morning and afternoon!

-Geff Yancey

Senator Patricia K. McGee Named "Friend of the Forest" for 2003

The Capital District Chapter of the New York Forest Owners Association has awarded Senator Patricia K. McGee (R-Franklinville), Chair of the bi-

partisan NYS Legislative Commission on Rural Resources, "Friend of the Forest" for 2003. Senator McGee represents the 57th Senatorial District in the far reaches of western New York. "One might wonder why the Capital District would recognize a Senator from Cattaraugus and Chautauqua Counties for this award," said Mike Greason of NYFOA, in presenting the award. "The answer is - Senator McGee is recognized across the state for her support of forestry and is helping the more than 500,000 forest owners in the state who own and manage 13.5 million acres of woodland," stated Mr. Greason.

Senator McGee was selected as this year's recipient of the "Friend of the Forest" award for her recent efforts in addressing timber theft and changes in the state building codes to permit small saw mill operations to continue grading their own lumber. Changes in the code would have had a constricting effect on woodlot owners trying to sell forest products and forced many small sawmill businesses to close. Both of these issues threaten forest owners'



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ability to protect and bear the costs of owning woodlots.

With increased values in wood products, timber theft is a growing issue. Senator McGee and Senator Nancy Larraine Hoffmann (R-Syracuse), Chair of the Senate Agriculture Committee, have conducted public hearings and led an effort to update laws pertaining to timber trespass. Increased penalties against people who cross boundaries and harvest trees illegally will protect forest owners everywhere.

On this same day, Senator McGee was also presented with the "Community Service" award by the New York Society of American Foresters for her efforts to promote forestry and environmental service to the state. In presenting the award, Mr. Dinnie Sloman of the Society stated, "The New York Society of American Foresters appreciates and applauds Senator McGee for recognizing the tremendous values of the state's productive and renewable forest resources. Our forests provide wood and agroforestry products, jobs, economic opportunities, recreation, and wildlife habitat while also filtering our air and water and offering beautiful viewsheds." ▲

—Ronald Brach, NYS Legislative Commission on Rural Resources

CNY Chapter Receives Chapter Award



At the annual NYFOA Membership meeting, the Central New York (CNY) chapter of NYFOA was presented with the Chapter Award for 2002. This award is presented to the chapter that increases its membership by the largest percentage for the previous year. A commemorative plaque was presented to the chapter. Pictured here is John Druke, CNY Director holding the plaque, along with many of the CNY chapter members.

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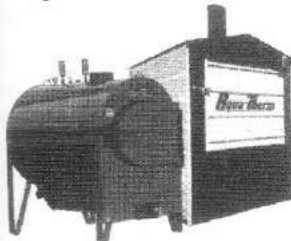
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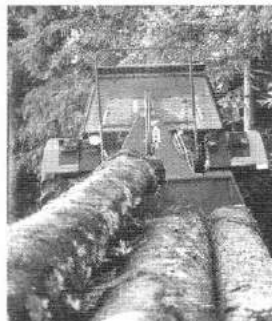
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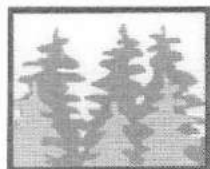
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Materials submitted for the July/August issue should be sent to Mary Beth Malmsheimer, Editor, *The New York Forest Owner*, 134 Lincklaen Street, Cazenovia, NY 13035, (315) 655-4110 or via e-mail at mmalmshe@syr.edu. Articles, artwork and photos are invited and if requested, are returned after use.



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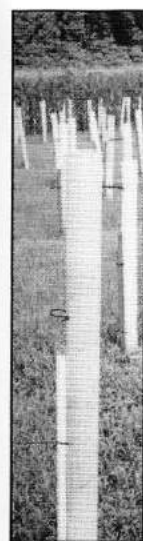
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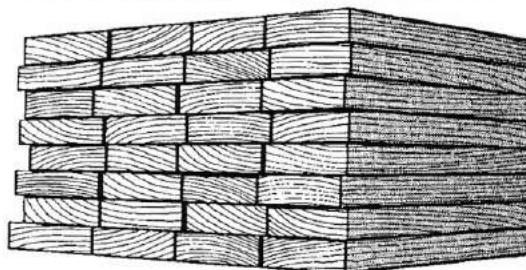
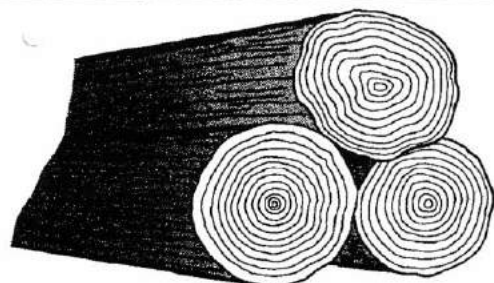
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