

The New York Forest Owner

A PUBLICATION OF THE NEW YORK FOREST OWNERS ASSOCIATION

For people caring about New York's trees and forests

July/August 2011



Member Profile: Marc Jaffe

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**THE NEW YORK
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**The New York
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A PUBLICATION OF THE NEW YORK FOREST OWNERS ASSOCIATION

VOLUME 49, NUMBER 4

The New York Forest Owner is a bi-monthly publication of The New York Forest Owners Association, PO Box 541, Lima, NY 14485. Materials submitted for publication should be sent to: Mary Beth Malmshheimer, Editor, The New York Forest Owner, 134 Lincklaen Street, Cazenovia, New York 13035. Materials may also be e-mailed to mmalmsh@syr.edu. Articles, artwork and photos are invited and if requested, are returned after use. The deadline for submission for the September/October issue is August 1, 2011.

Please address all membership fees and change of address requests to PO Box 541, Lima, NY 14485. 1-800-836-3566. Cost of family membership/subscription is \$35.

This publication is printed on Finch Opaque, Smooth, 70 lb. text paper. Located in the beautiful Adirondacks, Finch has long understood that the viability of our business relies on the wise use—and reuse—of resources. Finch papers are made with renewable energy, post-consumer recycled fiber and elemental chlorine-free pulps. In addition, Finch Paper was the first integrated paper mill in the US to receive both the Forest Management and Chain of Custody certifications from the Forest Stewardship Council and the Sustainable Forestry Initiative.

www.nyfoa.org

COVER: Marc Jaffe with a spring lamb on his property in Sullivan County. For member profile, turn to page 21. Photo courtesy of Marc Jaffe.

From The President

We're getting pretty excited around here about the upcoming state-wide meeting hosted by NYFOA's Capital District Chapter. It will be held at the new Agroforestry Resource Center in Acra, NY, southwest of Albany, on September 24th. They've got an exciting and informative day for us, building on the theme *Meeting Future Forest Challenges through Partnerships: Opportunities and Resources*



for Landowners. A full agenda and registration material for the day can be found elsewhere in this issue. We hope to see many of you there.

Your NYFOA Board of Directors held their second

(of 3) meeting this year on June 3rd and 4th. The minutes of the meeting can be found online on our web site, www.nyfoa.org, in the *Announcements* section.

Some time at the meeting was spent providing structure to our operations by defining various committees of the board. Although details are still being worked out, for the most part we have charters for each of the committees as well as board members or friends of the board who volunteered to either lead or be on them

A newly defined committee, Communications and Outreach, is chartered with doing a better job of communicating with our members and also communicate our mission and vision to a wider audience of woodland owners and the general public. Committee responsibilities will include the editorial board function for this magazine and the design of our web site. It will also seek better ways to use technology including e-mail distribution management, calendaring

of meetings and presentations, and possibly social networking.

A consistent frustration of the board is that with over 500,000 private woodland owners in New York State, for the past decade our membership has consistently hovered around 2,000. We are constantly working to better improve the benefits we deliver to our members but sometimes that's not enough. We'd now like to take a more focused approach to marketing our association. Concepts such as "branding", market segmentation, value identification, and value communication (including advertising) all come under the purview of the Communications and Outreach committee.

Please share this magazine with a neighbor and urge them to join NYFOA. By gaining more members, NYFOA's voice will become stronger!

Polling the board reveals that the experience base of the current board membership does not include a couple of key skill sets vital to this committee and we are now asking if any of you or someone you know that is sympathetic to the mission of NYFOA is willing to volunteer in these two areas. First, we're seeking someone who has a background in Marketing consistent with what is indicated here. Second, we're looking for someone who is comfortable with such tasks as web site design and possibly implementation as well as researching various e-networking options and making recommendations to the board. Please see separate advertisements in this issue for more details.

-Jim Minor
NYFOA President

The mission of the New York Forest Owners Association (NYFOA) is to promote sustainable forestry practices and improved stewardship on privately owned woodlands in New York State. NYFOA is a not-for-profit group of people who care about NYS's trees and forests and are interested in the thoughtful management of private forests for the benefit of current and future generations.

Join! NYFOA is a not-for-profit group 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 helps the interested public 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 statewide meetings.

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LETTER TO THE EDITOR

Hello NYFOA Members,

I'm a member and have been a New York State resident for six years now. I'm also a member of the Forest Guild. (forestguild.org) Changes are accelerating in how we get and use energy. NY landowners are poised to enter into this new energy economy with the advantage of having a great renewable resource all around us with our forests. Firewood and low quality 'left-overs' from timber sales are increasingly going to be taken out as fuel of some kind – in the form of pellets, chips, bundles, or firewood – collectively called 'woody biomass'. (In this case, from a forest.) Sometimes this will even involve whole tree chipping and removal.

With this increased extraction comes the increased potential that we are doing short- and long-term damage to the soils, water retention capacity, diversity, nutrients, wildlife, and overall productivity of the forest. We know forest elements like snags, rotten logs, and fine branches serve important functions to keep forests healthy, but there is not all that much information on how much is enough to leave behind and in what condition. Several other states have cre-

ated guidelines for these new types of harvests. New York State currently has none.

The Forest Guild has done a large amount of work collecting research and information from industry, foresters, and others to propose how to do these harvests well. Google 'forest guild guidelines' for the Northeast Guidelines and more info outlining what I think is a good starting point. I am also looking for people about to undertake any type of harvest who can work with me and the Forest Guild to look at the land to see just how we measure biomass and what's happening on the ground. (There's no notion of 'right' or 'wrong' for this project, but it serves as a valuable reality check.) As we begin to use this resource more thoroughly, I am interested that we do it right both economically and ecologically. Feel free to email or call me with any questions or if you have a parcel we might use to do some measurements. Thank you! 🌲

—Jeff Luoma

607-351-1088 jwluoma@hotmail.com
SAF Certified Forester, ISA Certified
Arborist, Master of Forestry



Biomass harvests are a more intensive use of forests than New York has seen in nearly a century.

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Ask A Professional

PETER SMALLIDGE



Peter Smallidge

Landowner questions are addressed by foresters and other natural resources professionals. Landowners should be careful when interpreting answers and applying this general advice to their property because landowner objectives and property conditions will affect specific management options. When in doubt, check with your regional DEC office or other service providers. Landowners are also encouraged to be active participants in Cornell Cooperative Extension and NYFOA programs to gain additional, often site-specific, answers to questions. To submit a question, email to Peter Smallidge at pjs23@cornell.edu with an explicit mention of "Ask a Professional." Additional reading on various topics is available at www.forestconnect.info

I've heard a word, but don't know what it means. Part I.

Question: As an aggregate of questions I hear or receive, several words are common to some people and not common to other people. This column will provide definitions for several of the common words, some of which lack a standardized definition. Words in bold are defined elsewhere in this glossary of terms.

Note – Due to length, the response to this question will appear in the current and subsequent issues. The full length will eventually be available via the publications page at www.ForestConnect.info

Basal area – the cross-sectional area of a single stem, including the bark, measured at breast height, 4.5 feet above the ground. More simply, if the tree were made into a 4.5 foot tall stump, the area in square feet of the stump's surface. A tree with a 14 inch dbh has approximately 1 square foot of basal area.

Basal bark treatment – an herbicidal treatment where the herbicide is typically mixed with an oil matrix and applied to the base of trees less than 6 inches in diameter. The herbicide penetrates the bark and **girdles** the stem.

Biofuel – A fuel source that is based on originally living material and for forest owners would be often called "woody bio-

fuel." Firewood is an example of woody biofuel. More recently this term refers to the use of **low-grade** wood that may be ground in whole-tree length for use as chips to generate heat or combined heat and power.

Biomass – Any living material, or often used to refer to previously living material. **Biofuel** is a type of biomass that has a specific end use.

BMP – Best Management Practices typical-

ly are voluntary practices that are encouraged within the forestry industry to ensure desired outcomes. The most common BMPs relate to strategies used before, during and after logging to reduce or prevent the erosion of soils and the maintenance of water quality.

Board foot – A unit of volume that is used in the forest products industry to describe the usable wood in a **sawlog**. A board foot is 12" x 12" x 1", but can be configured in any number of dimensions. By one method of estimation, a log that is 16 feet long and with a diameter on the small end of 16 inches has an estimated board foot volume of 180 board feet.

Broadcast – A treatment that is applied uniformly across an area. Examples include broadcast seeding of grasses on recently disturbed soils or a broadcast application of an herbicide to control a dominant vegetative cover. The entire area is affected by a broadcast treatment.

Canopy – The collective whole of all tree **crowns** in an area. Trees are often categorized as dominant, codominant, intermediate, or suppressed based on the position of their crown relative to other trees in the canopy.

Cant – The squared wood product that results from removing the **slab wood** from the four sides of a log. One testimony for



Basal bark herbicide treatments are a selective treatment for control of interfering vegetation. The herbicide is applied to an individual stem. Basal bark treatments are efficient for trees less than 6 inches DBH, and when fewer than about 400 to 500 per acre are treated. (see the column for definitions of italicized words).

the origin of this word is that the log, once slabbed, is a “cant” because it can’t roll.

Clearcut – As a noun, a clearcut is an area of forest where all trees were removed to regenerate tree species that require full sunlight growing conditions. Clearcutting is a **silvicultural** system, or collection of specific actions, that culminates in the removal of all overstory trees with the goal of **regenerating** the forest. As a verb, clearcut is the process of removing all trees. Of special note, an area that is cleared without the intention to regenerate the forest is not a clearcut but is deforestation. Intentions matter in understanding the appropriate use of this term.

Composition – The mixture of species present in a forest. Forest composition is distinct from diversity, which refers to the numeric description of the number and abundance of different species. Often used in the context of “forest composition and **structure**.”

Cover (for wildlife) – One of the components necessary for wildlife habitat, which also includes food, water and space. Typically refers to the physical structures of the forest that provide some protection from predators or support for reproductive efforts.

Crown – The leafy portion of a tree. When considered as the aggregate of all trees in an area, the crowns constitute the **canopy**.

Cut-stump – A type of **selective** herbicide treatment where the solution is applied to the surface of a recently cut stump. Some people will differentiate treatments for the cut-surface (as with glyphosate products) and a cut-stump treatment as the surface and sides (as with a triclopyr product).

DBH (d.b.h.) – The diameter at breast height. By convention, 4.5 feet above ground. On sloped ground, DBH (or dbh) is measured from the up-slope side.

Diameter limit cutting – A type of harvesting where all trees larger than a specified diameter are cut. In virtually all applications, this process is exploitive, unsustainable, and can shift the forest to a lower **canopy** diversity and reduced productive capacity.

Even-aged – Refers to a forest of essentially one age where the difference in age between the oldest and youngest trees in the main **canopy** is less than 20% of the total age of the **stand** at maturity. Even-aged



The first step in custom or commercial sawmilling is to remove the slabs of wood and form a cant. The squared stem allows the sawyer to see the grain, defects and dimensions to adjust cutting to provide the products desired by the customer or the intended use. The use of Personal Protective Equipment (PPE) is important for the safety of the operator and assistants.

stands will have a range of diameters and include large and small trees.

Feller-buncher – A type of equipment used in forest harvesting that has a cutting head that grips the tree, cuts the stems, and lays the tree on the ground. Some machines can also cut the stem to specific **log** lengths.

ForestConnect – A program of Cornell University that includes applied research and educational activities through Cornell Cooperative Extension in support of the sustainable management of private woodlands in NY. Details of activities and projects can be obtained at www.Forest-Connect.info

Forester – A person who has received academic training to obtain the skills necessary to help a forest owner, or stakeholders of a forested area, achieve their **ownership objectives**. Foresters may have an Associate, Bachelors, Masters, or Ph.D. degrees. In NY there is no legal definition of a forester, so owners need to use diligence when they select a forester to represent their interests.

Forwarder – A type of harvesting equipment that accumulates the **logs** in a bunk off the ground for transport from the harvest area to the **landing**. Logs are not in contact with the ground, as when moved by a **skidder**.

Game of Logging – A training program that teaches forest owners and loggers the

strategies necessary to fell trees in a specific and desired direction (i.e., directional felling). Courses are taught by a certified instructor and involve hands-on training and small class size.

Girdling – Any chemical or mechanical process that severs or damages the tissues of the tree immediately inside the bark and starves the roots of food. Trees may be girdled with axes, **basal bark treatment**, chainsaws, and flame torches.

Herbicide – A type of pesticides that are specific to the control of plants. In NY, herbicides and all other pesticides whether sold at home and garden stores or over the Internet are regulated by the NYSDEC Bureau of Pesticides. All herbicides have a label which describes the legal and appropriate use. Anyone applying a herbicide is expected to read and follow the label.

High-grading – The harvesting process where the majority of trees selected for harvest have the highest economic value and few or no trees of less economic value are harvested. This term is roughly synonymous with **diameter limit cutting** and **selective cutting**. High-grading is exploitive and unsustainable. ▲

Peter J. Smallidge is the NYS Extension Forester and Director Cornell University Arnot Teaching and Research Forest. He can be reached at email: pjs23@cornell.edu or visit his website at www.ForestConnect.info

New York State Tree Farm News

ERIN O'NEILL



It's Your Woodlot, Use It!

Everyone talks about Multi-use management for timber and non-timber resources and how sustainable forest management for timber products may or may not change the environmental and social climate of a forest. Who really knows what all that means!

Let's break it down; multiple use forestry is a concept that allows a management plan to encompass the many different uses of a forested property and manage them to the best and highest use of each. This concept combines two or more objectives, such as wood products, domestic livestock, wildlife habitat improvement, landscape and aesthetics, recreation or water supply, and considers each when developing a plan for a woodlot.

A forest can be much more than a crop of trees. When you really think about using your woodlot for all the things you want it to provide for you, your family and your community, and you create objectives to meet each of those uses, they can co-exist in wonderful ways. The four sides of a Tree Farm

sign represent the core of a multi-use philosophy:

Wood seems the obvious one when you're looking at a stand of timber! This is probably where the majority of the revenue you'll see will come from if that's a priority.

Recreation. Whether it's a little pond for you and your family to enjoy or a trail the whole community can hike, we all have our favorite things to do outside. Often having a personal playground is important. The way you manage the timber and what type of harvesting operation can be impacted by outlining this objective.

Wildlife may be one of the most important things to consider if you're a hunter; you may want to provide openings or select for specific types of trees in a harvest plan.

Water is such an important component to everything else we do. All animals, including the human kind, need clean water.

Be sure to discuss all of these things with your forester; if all of your goals are outlined in your management plan,

you're far more likely to get what you are looking for from your woodlot than just a check from a logger.

As you probably know the Tree Farm program requires a management plan and if you need help with one, check out some of the on-line resources like; the ATFS website <http://www.treefarm-system.org/nationalplantemplate> or the backyard woods guide provided by the National Arbor Day Foundation <http://www.arborday.org/backyardwoods/>. Remember, a Tree Farm representative is only a phone call (1-800-836-3566) or e-mail (nytreefarm@hotmail.com) away. 🌲

Erin O'Neill is the Immediate Past Chair of the NYS Tree Farm Committee.



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Kid's Corner

REBECCA HARGRAVE



Paul and June Natale of Youngsville, PA submitted this photo. It shows their grandchildren, Gina (age 9) and Dominic (age 7) Natale, on their Tree Farm in Panama New York. The Natale's have been members of NYFOA for over 20 years. "We purchased our 95 acres from my Uncle in 1989 and have tried to be good stewards of the land. We hope our sons and grandchildren will continue to do so." According to the Natale's, Gina and Dominic both love the outdoors and spending time in the woods. "We also have a pond where they fish and collect all kinds of creatures!" added June.

Do you have a photo of you and your kids or grandkids in your forest? If so, *The New York Forest Owner* would like to see it! Send an electronic or hard copy to *Forest Owner* editor, MaryBeth Malmsheimer, and it may end up on this page!

Watch the World Around You

Looking for something to do in your free time? Join "Nature's Notebook." From the USA National Phenology Network, Nature's Notebook wants to know what you see in a chosen location throughout the year. They combine your data with that of thousands of others to get a better understanding of the phenology of an area and how it's changing.



Phenology, according to USANPN, "refers to recurring plant and animal life cycle stages, such as leafing and flowering, maturation of agricultural plants, emergence of insects, and migration of birds. It is also the study of these recurring plant and animal life cycle stages, especially their timing and relationships with weather and climate." Basically,

it's nature's calendar. They want to know when wildflowers are blooming, caterpillars are hatching, and birds are flying south for the winter, and if those dates are changing.

Watching phenology is fun and easy. All you need to do is choose a location that is typical for your area, go there at least once a week, and see what's going on. You can choose which plants to watch and what animals might come through your location. Then fill out on-line data forms about what you see. More complete instructions are available at the USA National

Phenology Network Field Notebook web site <http://www.usanpn.org/participate>. Your site can be a single plant, your garden or backyard, or a part of your woodlot. It only takes a few minutes, and is a great way to learn more about your world.

Why is phenology important? Everything in nature is linked. When an insect hatches, its food must also be there. When a flower blooms, the insect it needs to pollinate it must also be there. Migratory birds and flower blooms are very sensitive to climate change; if those dates change their linkages may not line up. We can also use phenology to predict allergy seasons, harvest times for fruits and vegetables, droughts, and peak fall color dates.

Scientists need your help. The data you collect can help them understand the factors that control how quickly plants grow. Or, how to manage threatened and endangered species in the face of climate change.

Or, you can use the opportunity to learn more about your site and have an excuse to go outside for a little while and reconnect. Check out <http://www.usanpn.org/participate>. 🌲

Rebecca Hargrave is the Community Horticulture and Natural Resources Educator at Cornell University Cooperative Extension in Chenango County.

Wild Things in Your Woodlands

KRISTI SULLIVAN

EASTERN NEWT (*Notophthalmus viridescens*)



The eastern newt is a small- to medium-sized salamander with two irregular rows of reddish spots bordered by black circles. Adults range in size from 2 ½ to 4 ½ inches. During the breeding season, the tail fin of the male gets very broad, and he often waves it around in the water, seemingly displaying his breeding status. Males also have a series of dark, hardened pads on the inside of their hind legs.

During the summer months, you can often spot the eastern newt in water or on land. The appearance of the eastern newt is somewhat different in each of its three distinct life stages: larva, eft, and adult. As developing larvae in the water, newts are small, with faint red spots, bushy gills, and tail fins. As they grow, they lose their gills, their tail fins disappear, and they emerge from the water as brightly colored orange or red efts. During this stage, which can last from two to seven years, they are very visible, often seen walking out in the open woods during the day. The bright color is a warning to predators, meant to remind them that newts secrete toxic chemicals that make them distasteful or even harmful to eat.

After several years of living on land as immature efts, their color becomes greenish-brown, their skin becomes smoother, their tails flatten out, and they return to the water as adults. In many permanent ponds and lakes, they spend the remainder of their adulthood

in the water. However, in temporary ponds or in warmer regions, adults often go back on land during dry periods and throughout the winter. As adults, newts are a dull, greenish brown in color, and have a yellow belly with numerous small black dots. Aquatic adults have flattened tails that are better shaped for swimming than the rounded tails of efts.

The eastern newt lives throughout New York State from sea level to elevations above 3,300 ft. Aquatic adults are active throughout the year and in many areas can be seen swimming during the winter months. In early spring, as the ice is melting in lakes and ponds, adults begin to congregate along the shorelines and around vegetation in preparation for breeding. Females lay from 200-400 eggs, individually attaching each one to objects in the water. The eggs hatch in about four weeks. Larval newts remain aquatic throughout the summer, transforming into efts and moving out of the water into the surrounding uplands

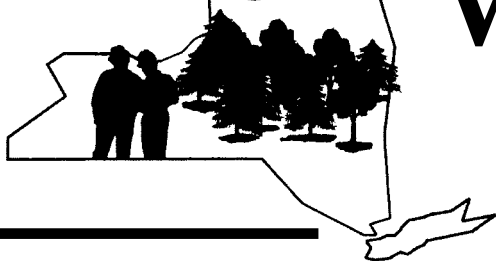
during autumn. The brightly colored orange efts actively feed until late fall, after which they settle under logs, in crevices, or in burrows until early spring.

In both the adult and larval stages, eastern newts are aquatic animals that often live in great numbers in unpolluted, permanent bodies of water with plenty of aquatic plants. The species is extremely adaptable, however, and also inhabits temporary ponds, ditches, streams, and agricultural ponds. Efts are found in a variety of terrestrial habitats, but mainly in moist woodlands that border the ponds where they originated.

On land, efts feed on insects, worms, and other ground-dwelling animals small enough to swallow. In the water, the newts' diet includes mosquito larvae, aquatic insects, leeches, clams, snails, and the eggs and larvae of other amphibians. They are also a food source for some predators, such as reptiles, that apparently are not both-

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NY Master Forest Owner Program



Volunteers making a difference

GARY GOFF

The goal of the MFO/COVERTS Program is to provide private forest owners with the information and encouragement necessary to manage their forests to enhance ownership satisfaction.

The NY Master Forest Owner (MFO) Volunteer Program will be starting its 21st year this September! Since 1991, nearly 400 volunteers have been trained to go forth and promote forest stewardship amongst their friends and neighbors. The NY MFO program was modeled after the COVERTS program funded by The Ruffed Grouse Society and initiated in Connecticut and Massachusetts. The “father” of the NY program is John Marchant, who had attended the CT program and encouraged Cornell Cooperative Extension to start up a similar program in NY State. It was an easy sell.

So... how has the program done over the years in accomplishing its objective of “encouraging and helping private forest owners find the assistance necessary to achieve their ownership goals”? Surveys of forest owners that had been visited by MFO volunteers were conducted in 1993, 1997 and again in 2008. The results of the latest evaluation were similar to those of the first two, namely that the forest owners greatly appreciated and valued the information provided by the MFO and even more importantly, **USED** the information provided.

In May of 2008, a survey was mailed to 584 forestland owners throughout NY State that had either been visited by an MFO volunteer at their forest or visited the MFO’s forest in the past 10 years. The response rate was 56%. Of the forest owner respondents who had been visited by an MFO volunteer, over 90% agreed that the MFO was worthy of recommendation to other forest owners, was cred-

ible, was a good source of information, and that the interactions were enjoyable. Some decisions that were positively influenced by the visit with the MFO volunteer are: 55% met or plan to meet with a professional forester, 65% set or plan to set goals and priorities for forest management, 40% have or plan to write a management plan, 55% sought or plan to seek out more information on forestry and 58% thinned or plan to thin a forest stand. In addition, 31% of the owners found their interactions with the MFO volunteers economically beneficial, either through timber sales, non-timber forest products, or enrollment in a tax-saving program. The respondents were also asked to list any organizations from

which they could receive additional forestry-related information. The two most frequent responses were NYFOA (53%) and the Nature Conservancy (38%).

The MFO volunteers were also surveyed in 2008 in an effort to document their activities and gain suggestions for program improvement. We found that the MFOs are very active, 83% reporting that they conducted at least one on-site visit in 2007 and 25% reported at least 4 visits. The volunteers are also active within their communities with 41% reporting having used information gained via the program at various educational events. They typically collaborate with organizations (e.g. County Cooperative

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Tree identification is an important field exercise at the new MFO training workshop.

A Failed Attempt To Block A Right-Of-Way

DAVID J. COLLIGAN, ESQ.

My firm's practice includes the representation of timberland owners. In 2005 I received an attorney referral of a timberland owner; the referring attorney did not feel he could provide the services that a litigated matter required. I met with the client and learned that he originally owned a 43-acre parcel of land with a house and garage near the road. Since he had no use for a second home (he had already moved out), he split the parcel into a 5-acre front piece containing the home and garage and a rear 38 acre- piece. The latter was accessible only by a retained right-of-way over the existing driveway, which ran between the house and garage. Due to a typographical error in the legal description for the right-of-way ("southwest" versus "northwest"), problems arose after my client sold the frontage and retained the rear parcel.

Approximately 18 years after selling the frontage, our client's retained rear parcel was ready for a timber harvest. At this time the price of black cherry timber was near an all time high. My client's woodlot contained black cherry as its predominant species and it was highly sought after by timber buyers. My client hired a forester to mark the timber and mail out prospectuses to the usual buyers. Upon visiting the property my client noted that there were two large vehicles blocking his right-of-way, and he asked the owner of the front parcel to remove what looked to be a

large truck and a race car van. Despite the right-of-way being clearly set forth in the deed, and despite the fact that our client had used the right-of-way without objection for the previous 18 years, the owner refused, even after my client had his first attorney write a letter citing the deed and demanding removal of the vehicles. My client was forced to bring a lawsuit after the timber sale was cancelled due to there being no access to his parcel and no way to get his timber out.

When my firm was retained the lawsuit had already been started. We reviewed the complaint and realized that additional causes of action had to be added in order to fully protect our client and compensate him for all the injuries he had suffered by the defendant's outrageous behavior in blocking the right-of-way. The defendant vigorously opposed our attempt to amend the complaint, as the amendment would greatly increase the defendant's exposure. The judge heard our motion, however, and permitted the amended complaint to be filed. The defendant appealed, but lost approximately one year later when the appellate court unanimously upheld the trial judge's decision.

Subsequently, discovery was completed and a jury trial was held in Wyoming County, New York. The defendant's position at trial was that there was no right-of-way at all; and if there was, it started at the road and went nowhere, due

to the typo in the deed which directed the right-of-way to the southwest rather than the northwest. The defendant also asserted that my client had waited too long after first learning that the right-of-way was blocked.

Prior to turning the case over to the jury, the trial judge upheld the validity of my client's right-of-way. The jury then determined the location of the right-of-way as being over the driveway, exactly as stated in the deed. The jury also saw through the defendant's flimsy defenses and awarded my client \$110,000 in money damages as compensation for the cancelled timber sale. With interest, the final judgment became \$160,000. The defendant filed various post-trial motions, including a request to vacate the jury verdict as being against the weight of the evidence. These motions were denied. The defendant also refused to comply with the verdict, as a result of which our client was forced to have the defendant held in contempt. The defendant also appealed the verdict, but lost the appeal. The decision is reported at *Meyer v. Stout*, 79 A.D.3d 1666, 914 N.Y.S.2d 834 (4th Dept. 2010).

An additional factor here was that my client had granted the defendant a right of first refusal to acquire my client's timber parcel if, and when, he sold it. The jury was presented with the prospect that the defendant had all the incentive in the world to block the right-of-way and cause my client's timber to become, if not worthless, then of very little value, whereupon my client would be forced to sell his property to the defendant for almost nothing, since its lack of access made it landlocked. The jury may have suspected the defendant's motive in awarding my client damages for the cancelled timber sale. Also, the price of black cherry timber had dropped 50% from the time of the proposed timber sale to the date of trial, and our presentation of expert testimony on this point may have helped the jury justify its damage award. While this was bad luck for the defendant, he certainly got his just desserts. My client was rewarded for his persistence: he was compensated for the devaluation of his

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GOT TREES? GOT SUGARBUSH?

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More information on the training at: www.ForestConnect.info



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calendars now!
September 24, 2011

NYFOA 2011 CDC FALL MEETING

Open to statewide membership

Meeting Future Forest Challenges through Partnerships: Opportunities and Resources for Landowners

September 24, 2011

Agroforestry Resource Center in Arca, NY

Hosted by the NYFOA Capital District Chapter (CDC)

This event will focus on the value of working partnerships, illustrating to other NYFOA chapters how partnerships have helped carry out our mission and provide opportunities and resources to help landowners meet the challenges facing their forests. Organizations working with the CDC of NYFOA include Cornell Cooperative Extension of Greene County (CCE) the Watershed Agricultural Council (WAC), Rensselaer Plateau Alliance (RPA), Columbia Land Conservancy (CLC) and Greene Land conservancies, the Hudson/Mohawk Resource and Conservation & Development Council (RC&D), regional Master Forest Owners (MFO), the Catskill Forest Association (CFA), and area wood based industries.

Topics of Discussion will include:

- Emerald ash borer: How NYFOA members (and others) can help deal with this invasive pest. Speaker: Mark Whitmore, Cornell University.
- Alternatives to Traditional Forest Use: An Agroforestry Overview. Speakers: Christine O'Dell, Silvo-pasture; Marilyn Wyman, Mushrooms; and Bob Beyfuss, Ginseng.
- Silvo...What? Silviculture- What is it and why is it important? Speaker: Pete Smallidge, Cornell University.
- Woody Biomass: How Can It Fit with Landowners Objectives? Speaker: Dan Conable, NY Biomass Energy Alliance

Concurrent field trip tracks are tentatively scheduled for the afternoon:

- 1) Viewing of a roadside severe exploitation harvest, a well managed woodlot owned by a Master Forest Owner, and a visit to an emerald ash borer infested site.
- 2) Walking tour of the Agroforestry Resource Center, Siuslaw Model Forest showing best management practices, an improvement harvest, the site where the ARC's oak floor was harvested, biomass examples, an American chestnut nursery and other features of the forest.
- 3) Visit a major local log export yard (B&B) and a tour of a property enrolled in RPTL, Section 480-a where both recent timber and firewood harvests have occurred.

Elizabeth LoGiudice, CCE Greene staff, will provide children's activities at the Model Forest for those who have children accompanying them.

**For more information or to register please contact:
Cornell Cooperative Extension of Greene County at
518-622-9820; green@cornell.edu; or www.agroforestrycenter.org**

Cost: \$10/person, \$15/couple, or \$5.00/youth (12 and under)



Woodland Health

A column focusing on topics that might limit the health, vigor and productivity of our private or public woodlands

COORDINATED BY MARK WHITMORE

THOUSAND CANKERS DISEASE OF BLACK WALNUT

BY MARK WHITMORE

Reading this column the past few issues you're probably ready to relax a bit and read about a native pest that can be managed with some simple silvicultural manipulation. Well, I'm sorry but that must wait. In case you haven't heard the bad news, there is yet another invasive forest pest on the not too distant horizon, Thousand Cankers Disease (*Geosmithia morbida*). Until recently this newly identified disease has been causing dieback and mortality of Eastern Black Walnut (*Juglans nigra*) only in the Western States. Researchers feel that it has been around since the 1980's but it wasn't until the 1990's that they discovered what was causing the dieback in Utah and Oregon. Since that time it has spread to New Mexico (2002), Colorado (2003), California (2008), Washington (2008), Arizona (2001), Idaho (2009), and in 2010 it was found in 4 eastern Tennessee counties, in the middle of Eastern Black Walnut territory. At this time there are no effective control measures and there is great concern about the threat this disease poses for such an important timber resource.

Thousand Cankers Disease (TCD) is a fungal disease that develops on the inner bark, or phloem, of live walnut trees. It is similar to Dutch Elm Disease in that the only way it spreads is with the help of a bark beetle, the Walnut Twig Beetle (*Pityophthorus juglandis*). Researchers think that both the beetle and fungus are native in Arizona and New Mexico on Arizona Black Walnut (*J. major*). They have found both the beetle and the fungus in this native tree species but they do not

cause any dieback or mortality. So, could this be considered an example of a native invasive?

The Walnut Twig Beetle (WTB) is a very tiny bark beetle that feeds in the fresh phloem of walnut trees. It is so small (about 1.5 to 2 mm or about 1/16 in) that it makes an Emerald Ash Borer seem like a giant. Despite its name, WTB rarely attacks twigs, instead it attacks and feeds on branches that are larger than one inch in diameter and will infest the bole all the way to the ground. Adult WTB bore into the phloem creating a tunnel, or egg gallery, which runs horizontal to the wood grain. When constructing

this gallery the adult WTB inoculate the fresh phloem with the TCD fungus. Eggs are laid on the sides of the egg gallery. Upon hatching the larvae bore through the phloem parallel to the wood grain. The TCD fungus grows in the bark with the larvae and later inoculates the newly emerging adult with spores to carry on to the next tree. A single generation has been found to complete in just two months, which means there could be two or more generations in a year. It's important to realize that because WTB is so small that there can be thousands in a small chunk of firewood and that makes it easier for it to become established in a new area.

One of the biggest problems with TCD, as with other invasives, is that it is almost impossible to detect until it is well established. Researchers think that in most cases a tree will be infected for at least three years and perhaps up to 10 years before crown symptoms first appear. Once crown symptoms are detected tree death is rapid, usually taking just one to two years. As with the Emerald Ash Borer, there is no efficient trap for WTB. However, researchers think they may have identified WTB sex pheromones and the possibility of developing sensitive traps for early

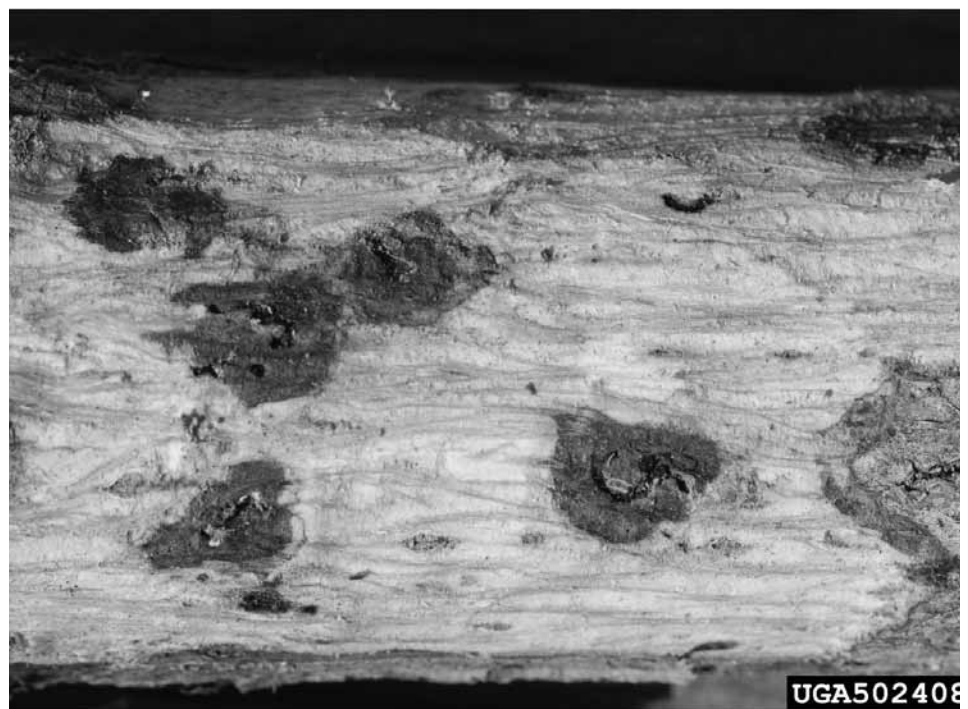


Figure 1. Thousand Cankers Disease cankers forming around Walnut Twig beetle galleries in Eastern Black Walnut. Whitney Cranshaw, Colorado State University, Bugwood.org



Figure 2. Thousand Cankers Disease in Eastern Black Walnut. Ned Tisserat, Colorado State University, Bugwood.org.

detection would be a giant step towards effective TCD management.

There are three basic symptoms of TCD in Eastern Black Walnut: foliage yellowing and branch dieback, the presence of many small fungal cankers in the phloem under the bark, and evidence of WTB attack. The easiest symptom to detect is yellowing leaves and the flagging of individual branches. The flagging, or death, of individual branches is caused by WTB attacking the tree unevenly. It will attack one or two branches before moving over to others in the crown. This symptom is most easily detected in late June, July, and early August. Foliage yellowing

or flagging after mid-August could be confused with normal branch dieback. Foliage will also wilt and die in spring and mid-summer but this is not as common as yellowing. General crown thinning may also accompany branch dieback.

The small cankers caused by TCD cannot be seen without peeling into the phloem. Be careful when you do this because when small, the cankers may not go all the way to the sapwood. At first the cankers appear as small dark brown patches associated with WTB attacks (Figure 1). These cankers will gradually enlarge and coalesce, essentially girdling the tree and cutting off the flow of nutrients (Figure 2). The important thing to remember is that with TCD the bark does not slough off over the canker as it does in others and that you need to peel the bark to find it. One small good thing about TCD is that it does not stain the wood so infected trees can be salvaged.

Detecting WTB can be challenging because the adult exit holes are very small and walnut bark can be quite rough. They are very hard to find on the main bole of the tree. However, once the bark is peeled WTB galleries are distinctive and easily identified (Figure 3). Keep in mind when looking for WTB that they don't infest branches smaller than 1 inch diameter and are not uniformly distributed in the tree. They seem to prefer the underside of branches and the sunny side of the trunk.

To date there are no effective treatments for TCD. Systemic insecticides can be injected into the tree to kill WTB but this has met with only limited success. The current management strategy, and this will

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Do you want access to woodlot, wildlife, agroforestry, maple and other related information at your finger tips? Internet resources exist and help connect NY woodland owners to unbiased research-based information. Check out Cornell Cooperative Extension – Woodlots on the Internet

- Publications, webinars, links to resources, FAQs, and more at www.ForestConnect.info
- Got Questions (and answers) at www.ForestConnect.info/forum
- Calendar of workshops offered by the CCE Department of Natural Resources www.DNRCCE.com
- Social networking via www.FaceBook.com search for "ForestConnect"
- Micro blogging at www.Twitter.com/CornellWoodlot

Got Trees? Got Questions?

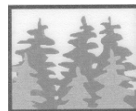
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Thousand Cankers Disease (continued)




Figure 3. Egg and larval galleries of the Walnut Twig Beetle in Eastern Black Walnut. Whitney Cranshaw, Colorado State University, Bugwood.org.

be a familiar refrain, is to slow the spread using early detection and rapid response. Time is needed to develop a better understanding of the disease and its beetle vector so more effective management alternatives can be developed.

Hopefully identification of WTB sex pheromones will soon lead to sensitive traps and make early detection easier. This summer the NYS Department of Environmental Conservation is initiating the first statewide survey for TCD and they would like to hear of any suspicious looking trees.

If you have trees displaying TCD symptoms please call the NYS Department of Environmental Conservation at: (845) 256-3411 or (866) 640-0652.

Once again, the appearance of this new threat to our forests points out the importance of leaving your firewood at home when you travel. 

For online references:
www.thousandcankerdisease.info

Mark Whitmore is a forest entomologist in the Cornell University Department of Natural Resources and the chair of the NY Forest Health Advisory Council.

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* Minimum order is 50 signs with additional signs in increments of 25.
** Shipping Costs: 50 signs, \$4.50; 75 signs, \$4.75; 100 signs, \$5.25; 100+ signs, add \$.75 for each 50 signs over 100 (150 would cost \$5.25 plus \$.75 for the additional 50 for a total of \$6.00).



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A Failed Attempt To Block A Right-Of-Way (continued)


timber, including interest from the date of the loss; he recovered a portion of his attorney's fees [a rare event] and still has the timber - though now worth 50% less - and a way to remove it from his land.

The lesson of this case is twofold. One, make sure that your timber parcel has valid access, and make sure that the access is described in the deed with a metes and bounds description, rather than merely "from the road back to the property." Two, if your access becomes blocked, take action immediately so that you are not barred from recovery by the statute of limitations. This client knew enough to assert his rights within a reasonable period of time, and to remain patient - yet persistent - as the defendant dragged out the case and delayed the trial for as long as

possible. Timberland owners must remain vigilant in protecting their timber, and this includes protecting access to it. Otherwise, the world is full of people always seeking to improve their economic position at your expense. Not every blocked access story ends this happily. ▲

David Colligan is an attorney in the law offices of Watson Bennett Colligan & Schechter LLP. The author was assisted in writing this article by A. Nicholas Falkides, Esq. from his law office who acted as trial counsel.

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Timber Topics:

When to Have a Timber Harvest

HUGH CANHAM AND RONALD PEDERSEN

Ok, you are interested in some financial return from your woods and based on discussions with your forester, a well planned timber sale would fit your woodlot's improvement needs without undermining growth toward long term aspirations. (see *New York Forest Owner* May-June's Timber Topics) But, what about markets? Is this a good time for me to sell? How do I know if I should wait?

Well, the prices for different species do change over time. Some price variations may be relatively short term with the time of year or the general economic conditions, while others stem from longer-term changes in product demand. Each species will produce a return if harvested now. However, if the other-than-cull trees that have been marked are left uncut—unless they are fully mature—they will continue to add volume and therefore increase in value irrespective of price variations.

Attempting to predict future prices is risky at best, because a number of factors and considerations underlie changes in timber prices and market conditions. Consider, for example, the two traditionally high value species in New York: black cherry and sugar maple. Each of these has had high stumpage values (the market value of the tree for wood products as it stands in the forest) for the last 50 years and well beyond. The principal reason is that the end products made from black cherry and sugar maple are always in high demand. Fine cherry furniture commanded premium prices even in colonial times. Sugar maple cabinetry and other products are one of the mainstays of northeastern wood products firms. In addition, black cherry and sugar maple often

grow relatively free of major defects (rot, excess limbs, dark heartwood) rendering a high grade of useable lumber.

Red oak, on the other hand, was a low value species in the '50s and '60s, mainly because oak furniture and cabinetry was not "in fashion." Trends toward Mediterranean-style furniture in the 1970's changed that and red oak stumpage prices skyrocketed. Today, interest in some oak products has dropped somewhat, but demand for oak flooring has kept prices for stumpage relatively high.

Unlike cherry and oak, soft maple (red maple), American beech, and hemlock are often considered weeds of little value and are often the principal species in woodlots that have been "high-graded", that is higher value trees repeatedly have been harvested, leaving only low value species. While American beech and hemlock are still considered "dregs of the market" for the most part, recently prices have improved, particularly for soft maple.

Soft maple prices have strengthened mainly because of demand for the end products. Trends toward lighter colored kitchen cabinets and the lighter colored institutional furniture have led to more use of soft maple lumber. In addition, soft maple has been an aggressive invader of old fields and cutover woodlots, which has led to higher quality lumber. Historically, soft maple commonly was found in low-lying wet areas and trees often had large dark brown heartwood centers and considerable rot. The soft maple growing on the better upland sites has less rot and only a small heartwood center, producing more useable lumber.

Timber sales usually are a mix of top grade logs that yield top prices,

and lower grade logs that sell for a lot less. The best overall amount received for a sale may vary widely from buyer to buyer depending on their markets, from one part of the state to another, and at different times of the year. The harvest process should start with your forester clearly marking the trees to be sold, be they top grade or culls, so that bids can be sought from interested buyers. Receiving bids from a number of buyers will help locate those mills that pay higher rates for the species and quality you are offering for sale. On the other end of the scale, the present slow economy reduces the price of lower grade wood that might otherwise be used for pallets. In some areas, markets for biomass may be a consideration.

There are no easy answers. While the overall long-term market outlook for all species in New York is good, at any given time many factors may affect the return an owner receives. Your forester will have a good sense of the market for your dominant species. While not ignoring prices and personal financial needs, your management objectives are also a major consideration. Sometimes waiting a few years to harvest would represent an excellent management choice, while in situations in which thinning is needed to remove poorly formed trees to open up the canopy for regeneration, getting on with the harvest as soon as possible may be the sound first choice. 🌲

Hugh Canham is a retired professor from SUNY ESF and a member of NYFOA's CNY chapter. Ron Pedersen is a past President of NYFOA, current board member and a member of the Capital District chapter.

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Wild Things (continued)

ered by their toxins. The total life span of an eastern newt can be ten years or more.

The best way to create habitat for newts is to maintain good water quality in lakes, ponds, and other water bodies that provide habitat for the larval and adult newts. Maintaining forest habitat adjacent to, or surrounding, these aquatic habitats will ensure that habitat is provided for all three life stages of this animal. Leaving logs and treetops on the forest floor can provide protection for the efts during times of dry weather, and can provide over-wintering sites during the coldest months of the year. 

Adapted from "Hands-On Herpetology: Exploring Ecology and Conservation" by R. L. Schneider, M. E. Krasny, and S. J. Morreale.

Kristi Sullivan coordinates the Conservation Education Program at Cornell's Arnot Forest. More information on managing habitat for wildlife, as well as upcoming educational programs at the Arnot Forest can be found by visiting the Arnot Conservation Education Program web site at arnotconservation.info

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You will receive an email every two months that includes a PDF file of the publication. While being convenient for you – read *The Forest Owner* anytime, any place; this will also help to save the Association money as the cost of printing and postage continues to rise with each edition.

MFO (continued)

Extension Associations and NY Forest Owner Chapters) and agencies (e.g. NYS DEC). Three quarters of the volunteers have held at least one organizational leadership role since their certification.


The volunteers also get a lot out of being in the program. The majority of them responded that they have used knowledge gained as an MFO to better manage their woods for sawtimber and wildlife. Nearly half of the volunteers specifically indicated that their favorite aspect of being a volunteer is to promote forest stewardship and they like the fact that they are better connected to other forest owners who share their interests. Here is a comment from a volunteer who completed the survey;

"{The MFO Program} has been very rewarding. I learn as much from my visits as the clients do. It is interesting to see the varied composition and management policies in the woods I have visited. Have learned what an abundance of fine woodlots there are in Western NY and feel privileged to, in some small way, help keep them that way".

As of 2011, there are over 200 active volunteers with one or more from nearly every county in the state, ready and able to meet with local forest owners. They are experienced forest owners who have accomplished much on their lands and are ready to share that experience. In addition, they all have completed a 4-day

training conducted by Cornell Cooperative Extension where they broadened their knowledge regarding a host of management topics of interest to all forest owners. Through that training and annual refresher workshops they are a valuable local resource that can help you find the assistance you need to establish and accomplish your ownership goals. Their motivation is strictly voluntary, based on their desire to promote good forest stewardship in their community.

If you are interested in having such a half-day visit to your woodlot, contact a volunteer from the listing on the program website www.cornellinfo.info. The first name listed in each of the regions is the regional coordinator who knows the volunteers in their region and can suggest the specific volunteer that will best match up with your interests. Alternatively, you can call your county Cornell Cooperative Extension office and speak to an Extension Educator who also has the listing on hand.

If you are interested in becoming an MFO volunteer, the 2011 training will take place September 14-18 at Cornell's Arnot Forest, in Schuyler County. More information and applications are on the website. 

For a more complete summary of the two evaluation surveys, link to: An Evaluation of the NY Master Forest Owner Volunteer Program: Survey of Woodland Owners Visited by a NY Master Forest Owner Volunteer. 2009.

<http://www2.dnr.cornell.edu/hdru/pubs/HDRUReport09-7.pdf>

An Evaluation of the NY Master Forest Owner Volunteer Program: Master Forest Owner Program Activities and Impact. 2009.

<http://www2.dnr.cornell.edu/hdru/pubs/HDRUReport09-6.pdf>

By Gary Goff, Sr. Extension Associate and Director of NY Master Forest Owner Volunteer Program, Dept. Natural Resources, Cornell University.

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VOLUNTEERS NEEDED

NYFOA is in need of individuals to volunteer for *two new positions*.

1. The first position would require an individual(s) to play a leadership role on the Communications and Outreach Committee. This person would help craft and implement a comprehensive marketing strategy for NYFOA. It is expected that this strategy would be incorporated into the *Forest Owner*, the NYFOA web site, as well as any advertisements and articles in the general press and perhaps other venues.
2. The second position is for an individual comfortable with technology that could research options for such things as e-mail management software, web site design (possibly implementation), social networking options and similar topics.

Interested parties are encouraged to **contact Jim Minor**, President of NYFOA for exploratory discussions at 585-247-7069 or jminor@nyfoa.org

Member Profile: *Marc Jaffe*

CARLY NEUMANN

Twelve years ago, when Marc Jaffe lived with his family in Manhattan, he knew nothing about forestry. “I’m pretty sure my dogs knew more about trees than I did,” Jaffe laughs. The Jaffe’s 80-acre property located in Sullivan County in the town of Rockland was originally purchased as a second home in the country. The property now serves as the full time residence of Marc, his wife, and their two children (ages 9 and 12) and has since 2002.

Jaffe, a farmer by trade, runs a diversified livestock operation on his land. He produces organic and pasture raised meats mostly for the New York City market. However, the Jaffes didn’t start as farmers and the land wasn’t originally purchased with that intent. The woodlands are very young; the area was still being hayed 50 years ago. He became interested learning

more about forestry when a logger approached him asking if he could harvest 100-150 of his trees. Jaffe didn’t agree immediately and instead approached Cornell Cooperative Extension to learn more. Extension provided him with resources that allowed him to continue to learn about different fields and programs that would be beneficial to managing his land.

He became involved with the “Goats in the Woods” program (created by Cornell Cooperative Extension) and he is also a New York Master Forest Owner Volunteer. Having been involved in these educational programs, he now works closely with local resource professionals. With Chris Tcimpidis, Jaffe’s consulting forester, they have developed a forest management plan, which Jaffe refers to as “a living document” that has

been evolving and will continue to do so in the future. Tcimpidis and Jaffe have diversified the management plan to include an offshoot from Jaffe’s previous experience with the “Goats in the Woods” project. The family raises 35-50 pigs a year in the woods. Pigs, it turns out, are ideal species in the woodlands. They can be controlled with a portable electric fence and moved around. The pigs turn over the duff and eat the nuts and fruits while minimally damaging the trees. After the pigs rotate through, grass can grow back. They still keep goats in the woods where they thin out the younger saplings. Of the 80 acres, they are only using 30-40 acres at a time. Jaffe says, “It is a constant source of opportunity and creative energy, its great. We’re constantly finding new ways to live with it and work with it.”

The property provides a livelihood for the family. Jaffe reflects, “It’s kind of interesting we’ve almost figured out how to make a livelihood off the land.” Beyond a source of income, the Jaffe property provides a source of recreation and learning. The family enjoys using the space to play baseball and ride their bikes. They hunt deer for consumption and trap to remove predators. On the property there are also old apple orchards and acres of blueberries. The family also taps some of the mature sugar maples.

The Jaffes love planting trees. Every year they plant 150-250 saplings. There were no conifers when the property was purchased but Jaffe comments that they have had great success growing Norway Spruce. “They (the conifers) make you feel good about your ability to do something,” he



The Jaffe children enjoy life on the farm.

continued on page 22



You can see the single line of electrified fence. Once trained to respect it the pigs can be moved through all sorts of terrain.



Jaffe states "I run sheep in front of the birds. The rotation works to keep the grass low for the new birds & they then clean up after the sheep."

says in reference to their fast growth. Overall the family has planted white oak, various spruce and pines—most of which end up feeding the deer Jaffe admits begrudgingly—and sycamore trees. Although his forester, Tcimpidis, had second thoughts about planting sycamores, Jaffe has fond memories of sycamores from growing up in New York City. Sycamores are the most popular species in central park and line many of the cities' avenues. Marc stated, "I remembered it and I wanted it."

The Jaffe's have tried many different projects to manage and utilize their land with varying success but they have persevered through failures. "Not everything we do out there works and we haven't been able to do all that we've wanted." Even so they have remained constantly motivated and engaged. Jaffe sees extension, several of his farming friends, and Tcimpidis, his forester, as playing roles in mentoring him in owning woodlands. "All I knew was that I didn't know anything and I was happy to listen to anyone who wanted to teach me." Jaffe recommends that woodland owners "get out there; the more time you spend in your forests the more it will give you and the more benefit you will derive from it. It's guaranteed." ▲

Carly Neumann is a Forest Resources Extension Program Assistant at Cornell University, Dept. of Natural Resources, Ithaca, NY 14853. Dr. Shorna Allred is the faculty advisor for the Member Profile Series.

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MAGAZINE DEADLINE

Materials submitted for the September/October Issue 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.



Deadline for material is August 1, 2011

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