

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 2022



Combating Timber Theft in New York State

Volume 60 Number 4



**THE NEW YORK
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In This Issue . . .

FROM THE EXECUTIVE DIRECTOR
CRAIG VOLLMER 3

COMBATING TIMBER THEFT IN NEW YORK
KEVIN BEITER 4

ASK A PROFESSIONAL
PETER SMALLIDGE 6

WILD THINGS IN YOUR WOODLANDS
DEVON DAVIS..... 12

WOODLAND HEALTH: THE SCALES OF SUMMER
MARK WHITMORE. 14

GIVE MORE TO YOUR FAVORITE CHARITY AND LESS TO THE IRS
NICK JENSEN 18

NYFOANS CONVERGE ON THE FINGER LAKES
CRAIG VOLLMER..... 21

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VOLUME 60, NUMBER 4

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COVER: Front cover: Retired DEC officer Kevin Beiter engaging in some arboreal forensics, removing the top of a stump to match with the mating cut of a presumably stolen log. Photo courtesy of Kevin Beiter. See article on page 4.

From The Executive Director

Do you know your place? I've been asked that question before. Mostly by my mother, with a not so impressed look on her face, and usually followed by a stern talking to, but I am a slow learner. I ask you this because landowners have their place. Did you know that? Or maybe more appropriately said, landowners have a place in the equation and are part of the solution.



For those of you who have been in this landownership business for a while and have heard a lecture or two you might remember the

“Forestry Triangle.” If you're new to all this, the forestry triangle was meant to illustrate that the forester, the logger, and the landowner all had a relationship in the practice of forest management; often depicted visually like the image below.

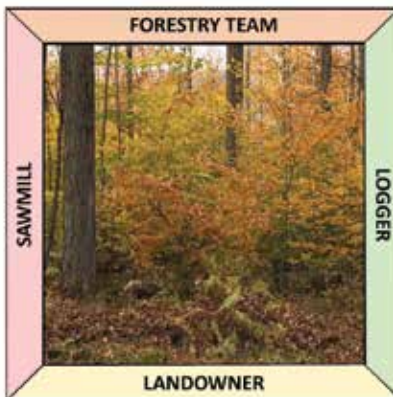
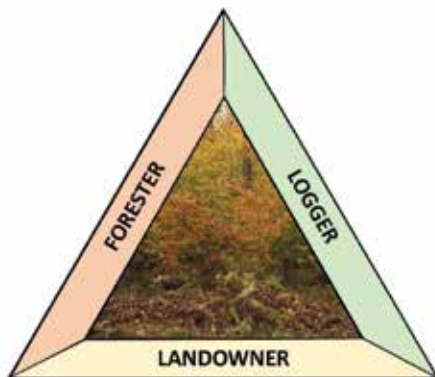
While a simple ideology and graphic, it was an effective reminder that each had their “place” in the forest management process. The forester provided the science of growing timber and product/market knowledge. The logger bought

the timber providing money to the landowner and provided the important skill and knowledge of the harvest. The landowner provided the forest in which the other two would work and the goals which they would be guided by. It was a three-way partnership.

But, in the immortal words of Bob Dylan, “The times they are a changin’.” In fact, the times regarding the triangle have already changed. It started to evolve a few decades ago, and has finally taken on the new form of a square and would be illustrated like the image below.

The forester has been replaced by a team, whether it's a team of one with a broad base of knowledge wearing multiple hats or a team of different professionals. A wider scope of knowledge and skill is needed to address the varied interests of the landowner, the needs of society, and the needs of and pressures on the forest itself. The science they bring to the table is much broader and silviculture is applied for more than just timber; it is also the science of manipulating the woods for habitat management, restoration, regeneration, aesthetics, species diversity, water supply management, carbon sequestration, etc., and timber too.

continued on page 11



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.

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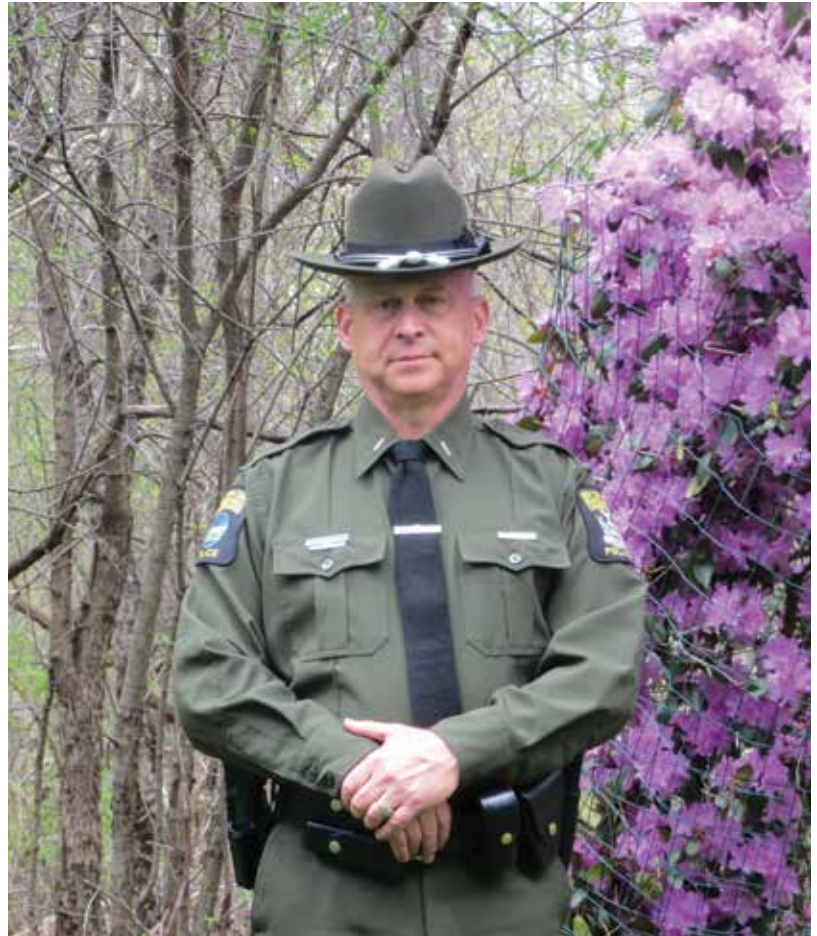
Combating Timber Theft in New York

By KEVIN BEITER

Timber theft in New York State is a significant problem. I don't have approximate dollar figures on the total theft in NY but it's safe to say it is hundreds of thousands of dollars, more likely much more than that. Theft is mostly intentional. What can we do to protect ourselves and whom should we call if we are the victims of timber theft?

My name is Kevin Beiter. I am a retired Lieutenant with the NYS DEC Environmental Conservation Police. I worked 34 years for the people of this state, and unfortunately worked on dozens of timber thefts over my career. I received my degree in Environmental Science and Forestry from the SUNY Ranger School in the Adirondacks. I am originally from western NY and have lived in the Hudson Valley for the last 25 years. My biggest successful timber theft prosecution is approximately \$50,000 and the least is approximately \$1,500.

What is timber theft and where is it defined? Timber theft is defined in Environmental Conservation Law (ECL) Section 9-1501. You can "Google" it or go to the DEC website to find the actual section of law. Basically, it is the cutting/removing/damaging of trees without the permission of the owner. As with all laws, this is open for debate and interpretation. Sometimes trees are cut and not removed and sometimes they are cut and stolen. Both are covered under that section of law. The enforcement section for Timber Theft is ECL Section 71-0703-5. This is a Class A Misdemeanor. The Civil



The author in uniform.

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Penalty section is ECL 71-0703-6(b). This section is very important because it allows for the penalties and restitution to be paid to the landowner. The section allows for \$250/tree or treble (triple) damages or both.

The Penal Law section that covers timber theft is Grand Larceny. It depends on the value of the theft as to what section would apply. Grand Larceny in the 4th Degree is found in Penal Law Section 155.30 and it covers all theft with a value greater than \$1000. Grand Larceny in the 4th Degree is a Class E Felony.

I've heard many times in my career that timber theft is and can be a civil matter. Almost everything can be a civil matter. Theft is NOT a civil matter. If trees on your property are stolen or damaged, through the negligence of another, this is a criminal matter defined by the timber theft section of the law described earlier.

Who do you call if you believe you are the victim of timber theft/damage? Call the only agency in New York State specifically designated to handle timber thefts; that is the NY State DEC Police at 877-457-5680. The DEC Police have investigators and uniformed officers that have the educational background, experience, and resources needed to successfully investigate these types of crimes. Many, many times the assistance of the New York State Police and/or the local Sheriff's Department is needed in these investigations and arrests. Every county is different, and many times the local police agencies have already dealt with the suspects of timber theft and are of great assistance.

NYS DEC also has professional foresters that can estimate the value of the timber that was stolen/damaged. We utilize these professional foresters all the time in determining the value of the theft. The valuation is based on decades of research and experience, measuring from the stump to the top of the tree where the cut was made. Once the investigation determines who stole the timber and what the estimated value of the theft was, the thief/

defendant is arrested, fingerprinted, and photographed. They are charged with the crime(s) and the district attorney's office is contacted and given the evidence of the case. Cases can take long periods of time to come to resolution. You always can hire an attorney and try to collect civilly but this will be at great expense to the property owner and most attorneys are not versed in timber theft. Usually, some form of plea agreement from the DA's office will be offered that allows for restitution to the landowner for their loss in assets. Timber is an asset, not just simply trees.

The best way to avoid timber theft is to be a good property steward to prevent a theft from occurring in the first place. What does this mean? It means knowing where your boundary lines are, even if you have to pay to have your property surveyed. Make sure you paint and post your boundary lines at least every five years. If you are going to sell timber, you need to know the estimated value of what you are selling, *before you sell it*. How do you do that? You need to hire a private professional forester to mark your timber and tell you what the value is, before selling it. Can you imagine selling a vehicle or your house without knowing upfront what it is worth?

Timber sales are often worth tens of thousands of dollars. Do NOT take the word of the logger as to what the value of your timber is!! Do NOT sell timber without a multi-page contract. Do NOT sell any timber unless you are paid upfront for the entire value **before** the logging company enters your property to start cutting. I don't care what the logger promises you or how nice they seem, do not give them access to your property unless they have paid you what your forester says your timber is worth. I have sold timber several times in NY and I always have my timber marked by a forester. I know what it is worth, and the timber buyer has already paid me **in FULL** before they enter my property and begin cutting. That is how respectable logging

companies conduct business. Do not accept anything less.

Be prepared before your harvest. Always use a forester. Know what you are selling and what it is worth. Mark your boundary lines. Have a really good contract. Don't worry about tax implications because standing timber is considered real estate and is handled as a capital gain, not ordinary income. This means it is subject to capital gains and just on the value of gain since you first took ownership of the timber. What I mean by that is that if you sell \$50,000 worth of timber you do NOT claim \$ 50,000 of income.

A forester can do a cost basis analysis. For this example they may have determine that the original value of the timber was \$40,000. Now you sell it for \$50,000. The gain is \$10,000. You pay 15% capital gains on only the \$10,000 gain. I put this in here because everyone is worried about having to pay crushing taxes and they may try to conduct business "under the table." Don't become a victim of timber theft because you are trying to get paid "under the table." You will wish you didn't go that route in the long run.

Contact the DEC or a private forester near you if you want some advice on proceeding with a timber sale. If you have a law enforcement question, speak with the NYS DEC Police.

We are blessed with great timber resources in New York. Best wishes to all those who own forested properties across this beautiful state. 🌲

Kevin Beiter is a retired Lieutenant with the NYS DEC Environmental Conservation Police. You can reach him at Eco382@yahoo.com

Would you like to receive an electronic version of future editions of *The New York Forest Owner*? If so, please send Liana an email (lgooding@nyfoa.org).

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.

Ask A Professional

PETER SMALLIDGE



Peter Smallidge
Additional reading on various topics is available at www.forestconnect.info

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 influence 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

Anticipating the Next Forest: Ecology and Management for Sustaining Forests

Periodically, maple producers and woodlot owners should pause and consider their woods, both their sugarbush and their other woodlands. Consider a long-term time frame to think about private forests specifically and broadly; how they used to look, how they have changed, and visualize what future private forests will provide to future owners.

For most of our private woodlands, the soil will continue to grow plants. The question though is whether those future plants will provide the variety of benefits that the owners desire, including products for sale and ecological services and values that forest owners provide to society. The process of forest regeneration, if and how it happens, will determine what we can anticipate in the future forest (Figure 1).

Several recent studies, and some not so recent, have called attention to the problem within some forests to regenerate desired species to provide the next forest. To highlight some recent information: (1) A study in which we participated surveyed foresters about their observations from the most recent stand (a working unit of the forest) they visited that should be capable of regenerating. These foresters reported moderate or successful regeneration in only 30% of those stands; a 70% failure rate. Successful regeneration was defined as desirable species at least 5 feet in height. (2) A study by The Nature Conservancy, based on a review of US Forest Service data, used a regeneration index and found that timber species were regenerating on 43% of permanent monitoring plots. (3) Dr. Ralph Nyland reported in a ForestConnect webinar in February 2009 that the overwhelming predominance of exploitive cutting has often led to failed regeneration or significant complications with the regeneration process. These three independent assessments all concluded that northeastern hardwood forests are facing a concerning future. In some locations there may be additional site specific factors that further limit forest regeneration.

A Bit of Context and Background

In a simplistic way, we can think of the forest as two layers; the upper canopy and the understory. In forests less than about 40 to 50 years of age, we seldom worry about understory layer of desired species of seedlings, or advanced regeneration, because the forests have a long time horizon. At about 75-100 years old however, the anticipation for regeneration should heighten because some tree species may be approaching the end of their life cycle and/or sawtimber species maybe financially mature. At this point in a stand's development any natural or human-induced disturbance of the upper canopy will provide sunlight to the plants in or on the forest floor and favor their expansion and abundance (Figure 2). An ice storm or prolonged insect defoliation, for example,

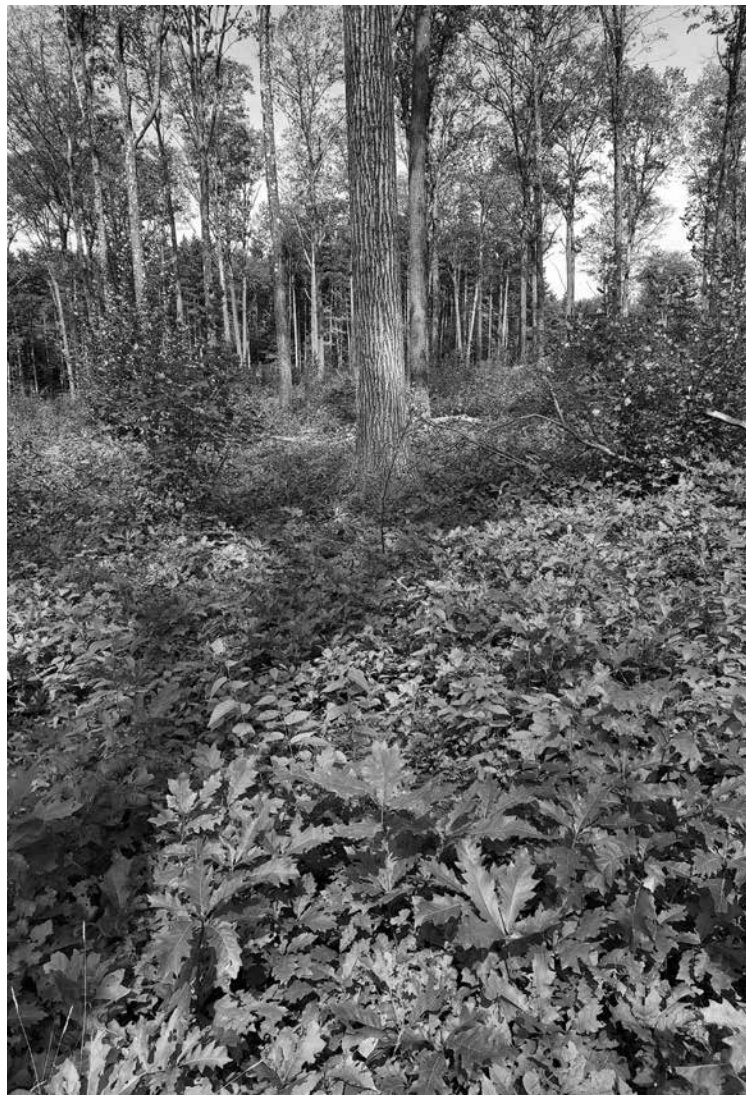


Figure 1. A robust seedling layer developed in an oak shelterwood harvest inside a slash wall at Cornell's Arnot Forest. The harvest coincided with a year of abundant acorns, and the seedlings were protected from deer.



Figure 2. A forest approximately 50 years old. Little understory has developed in the oak/pine stand, but future years will bring changes. How will this stand look in 50 years and what pressures will bear on the next forest?

might not fully destroy the overstory, but could provide sunlight to establish a dominating understory. A dominating understory is good if it has a mixture of desired quality seedlings. Unless the understory is changed, the species present at the time of a canopy disturbing event will most likely become the next forest. Generally, “what you see is what you get.”

Trees, shrubs, and herbaceous plants reproduce by distributing propagules such as seeds or spores, or by vegetative propagation (sprouts) from their roots or stems. Almost all plant species have the ability to distribute propagules, relatively fewer will reproduce through vegetative methods. Successful reproduction of a plant requires the propagule or vegetative structure plus an adequate environment for the new plant to become established and survive long enough to reproduce itself.

As woodlot owners, and maple producers, trees are a significant part of our interest in the woods. As the forest grows we can harvest the volume of some trees that would otherwise die, and we may eventually plan for the re-establishment of large sections of our forest. Timber harvests and thinning in the sugarbush and woods must be sustainable to ensure continued flow of products and forest

services. Regeneration of new young-aged seedlings is the first step in sustainability. Failure to ensure appropriate numbers (often thousands of stems per acre), sizes, and growth of desired species may disappoint some forest owners and may erode the confidence of society in our capacity for responsible and sustainable forestry. Regeneration thus requires that new trees become established, the number of stems per acre is appropriate, those new trees represent the desired mixture of species, and stems have a quality that will provide for future desired products

Tree regeneration, our focus here, requires the coincidence of (i) the availability of propagules or seeds, (ii) the receptivity of the site (the seed bed) for the seedling to become established, and (iii) adequate growing conditions at the site for the seedlings to grow toward maturity. If the timing or quality of one of these three factors doesn't align, regeneration typically fails. Trees may require years to become sexually mature and owners may need to conduct specific management activities to create an appropriate seed bed and growing conditions. Thus, regeneration is a process through time.

As a forest approaches maturity, there are tipping points beyond which successful

regeneration become less assured and likely more costly. If a seed source is absent due to exploitive or selective logging, such as diameter limit cutting or high-grading, regeneration of desired species is significantly more difficult. The presence of deer that exceed the carrying capacity of the woods requires some strategy to reduce or remove their impact or regeneration efforts will fail (Figure 3). Note that the actual number of deer per square mile is not as important as the abundance of deer relative to the forage base and carrying capacity. Finally, the selective browsing by deer can eliminate the desired species (deer and humans both seem to prefer the same species) and promote an understory of undesired trees and shrubs that inhibit trees even if deer are removed and which can be difficult to remove.

Why Do We Care About Tree Regeneration?

Trees define the forest. Given pressures in the forest (see below), doing nothing may lead to disappointing outcomes. Some owners started a forest from scratch in a

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Figure 3. Red oak seedlings are desired by many owners for timber, fuel, wildlife, and aesthetics. The seedling in foreground is heavily browsed, deformed, and stunted. A tree caged, in background, is one example of a deer exclusion tactic that is effective for efforts to protect a few stems on a few acres.



Figure 4. The life of a seedling is precarious. A tree may produce thousands of seeds, but only a small percentage usually germinate, establish, and grow. The long lives of trees allow for many years of failed regeneration, but constraints on regeneration that are enduring and widespread can eventually change the nature of the forest.

former pasture, and some owners assumed responsibility for the trees present when they became the owner. For the tenure of most owners, they will tend, or manage, and utilize one age-group of trees on any

given acre. As trees are utilized, or the forest is otherwise disturbed, resources become available for new trees and plants to establish. Owners will choose whether they will invest or not in helping to ensure



Figure 5. Deer require approximately 7 lbs (fresh weight) of forage per day. One estimate calculated 600 seedling tips per pound or 4200 seedling tips per deer per day. At this level of impact, deer are a profound force in the forest.

that the next forest provides future owners with a comparable suite of opportunities. Woodlot owners from the full spectrum of interests will benefit from attention to regeneration of diverse and healthy forests (Figure 4).

When forest trees do not regenerate, through short and long time frames, the quality of the forest, and the opportunities it offers the owner, may decline. If we first consider the human benefits associated with trees, the lack of regeneration may change aesthetic qualities, habitat for hunting, and over a multi-decade time frame the lack of forest products that provide revenue and local jobs. The future success of timber production, maple syrup production, wildlife mast trees for hunters, and fence posts depends on the level of success of the regeneration process.

Many species of wildlife benefit from successful regeneration. In a mature forest, the presence of desirable forest tree seedlings is important to maintain micro-environmental conditions. These mature forest seedlings also provide nutritious browse, nesting habitat, and escape cover. Other wildlife species depend on different environmental conditions provided by successful regeneration in early successional habitats. An important consideration for wildlife is that the unique growth form and fruit production of various plant species makes them more or less suitable for various wildlife species. Because of deer pressure (more on this topic later), some unpalatable plant species can dominate and the habitat can become unsuitable for some desired wildlife.

What Limits Forest Tree Regeneration? Why is There a Problem?

Trees are long-lived and some forest owners may call a forest home for multiple decades and legitimately not become involved in the process of forest regeneration. In a section of woods, barring any manipulations to the canopy or seed bed, the number of trees will decline through time. The remaining trees are the same stems, though larger, as when these owners started. In many ownerships, anytime an opening is made in the forest canopy and the forest floor has a prolonged exposure to sunlight, a new plant may become established. But, is it the plant

that will serve the needs and desires of the owners, or one that might interfere? In this case, numbers matter and a few desired or undesired stems don't matter much, though invasive plants can achieve seed output of hundreds of thousands per plant per year.

Recall the earlier discussion about the necessary timing and overlap for propagules, seed bed, and seedling establishment and growth. Any constriction on any of these three conditions can limit successful regeneration. Some constrictions or barriers are common but infrequent or of short duration. Also, if the site provides only limited soil (e.g., droughty, overly acidic, poorly drained) or light resources, typically only a few plant species have adaptations to survive in those conditions. The list of potential barriers to regeneration is immense. Barriers include chronic and episodic events such as late frosts that damage tree flowers, a peak in the woodland vole population that eats the seeds, an overly wet spring and widespread damping-off fungus, an outbreak of forest tent caterpillars that reduces tree energy reserves, and more. However, there are three primary factors that restrict desirable regeneration when they occur as sustained and widespread phenomena; other factors may develop as our environment changes.

First, most woodlands lack sufficient browse to support the resident deer herd. In these cases, deer disproportionately consume desired seedlings. Deer limit the adequacy of the seedling's environment to grow and develop. Deer consume palatable seedling species, usually the most desirable for human needs, and avoid the less palatable species (Figure 5). This selective pressure results in a reduction in species diversity and a shift in the mixture of species. Other than beech and in some circumstances black cherry, deer will preferentially browse the seedlings of all our upper canopy tree species (e.g., oaks, maples, cherry, ash, basswood, pine, black locust, walnut). Visualize this process through time; each year the seedlings of desirable upper canopy trees are consumed and less desired species (e.g., multiflora rose, hophornbeam, striped maple, autumn olive, American beech) are retained. Consequently, any sunlight favors the growth of the less desired species. The impacts of deer on forest regeneration can



Figure 6. What you see is what you get. American beech has become established and dominant in the understory of this 80 year old red pine plantation. Without owner intervention, the next forest is likely to become a beech forest.

be limited by controlling the number of deer or restricting the access of deer to desirable seedlings.

Recreational hunting is often suggested as a solution to the impact of deer. Most deer populations are sufficiently abundant that 40% to 60% of the herd must die (e.g., hunting, cars, disease, etc.) for the population to stabilize. Population reduction would require even greater mortality. A few isolated examples exist where hunting has been sufficiently coordinated and regulated to allow for forest regeneration. However, most recreational hunting is insufficient to reduce deer impact. Current demographic trends of hunters and parcelization of rural lands suggest the inefficiency of hunting will accelerate not reverse. Most land managers and owners need a near-term solution, so discussions of releasing wolves and changing state and federal policy are entertaining but unrealistic for current management needs.

Second, most tree species require a specific quality and quantity of light for the seeds to germinate and the seedlings to develop. This is known as the shade tolerance of that species. Shade originating near the ground limits the suitability of the seed bed and the adequacy of the seedling's environment. Dense

understories of shrubs, grasses and ferns (often what the deer leave behind) will absorb the energy-rich red wavelengths and allow predominately the lower quality far-red wave lengths to pass. This lower quality and quantity of light prevents some seeds from germinating and some species from surviving. Understories of shrubs, subcanopy trees, grasses, sedges and ferns that intercept light and inhibit tree regeneration are collectively called interfering vegetation (Figure 6). Less desired species that commonly interfere with desirable hardwoods include American beech, striped maple, hophornbeam, ferns, grasses, sedges, and in some cases raspberry. Note that these species are not inherently bad. Rather, they have an important ecological role in the forest, but their avoidance by deer results in an imbalance among species. In some areas, non-native shrubs can play a similar role, species such as multiflora rose, bush honeysuckle, European buckthorn, glossy buckthorn, autumn olive, and Japanese barberry. In efforts to establish desired species of seedlings or wildflowers, dense and abundant understories of interfering vegetation need to be reduced to prevent them from reducing light quality and quantity.

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Figure 7. High-grading removes only the highest value stems. The residual low value stems are usually slower growing, in poor health, and of undesired species. Exploitive harvesting degrades the forest.

Finally, because tree regeneration depends primarily on seeds, parent trees of appropriate genetic quality need to be present or have been recently present. Often however, as described by Dr. Nyland, exploitive cutting removes the best quality and largest trees and shifts the potential for seed production to fewer species of poorer quality and capacity to produce seed (Figure 7). Exploitive cutting, also known as high-grading, has the potential to eliminate some species from a stand and thus prevents that species from providing propagules and effectively regenerating. In some circumstances, such as a properly executed clearcut, seed and propagules are known to be in the soil seed bank or available from adjacent trees and seedlings establish successfully after the overstory is removed. Exploitive cutting is distinct from clearcutting; the high-grading activity will typically limit owner options for regeneration. When properly applied, clearcutting will ensure that seeds or propagules are available to result in adequate numbers of seedlings per acre to regenerate the harvested area. Owners who have acquired a high-graded forest will need to find good technical assistance to provide for desirable tree regeneration.

Recommendations

Deer – recreational hunting is a time honored and important cultural practice. In previous decades and in some specific areas hunting pressure has been sufficient to truly impact deer abundance. However, in most areas recreational hunting is insufficient. Owners and managers will need to find a way to exclude deer. Cornell’s Arnot Forest has demonstrated the effectiveness of slash walls as a novel and cost-effective exclusion technique (www.slashwall.info) Other deer exclusion techniques are available, and all have cost and success attributes that dictate which is the best for a given situation. The presence of deer impact will often result in challenges from interfering vegetation.

Interfering vegetation – in most situations the presence of interfering vegetation is a result of prolonged and extensive deer impacts. It is futile to manage the vegetation without also managing the deer, although the sequence might vary with the circumstances. Similarly, reducing deer impact through effective hunting or exclusion typically requires disturbance of the interfering vegetation to reallocate sunlight to desired species. Numerous resources are available on methods to control interfering vegetation and forest vegetation management (www.youtube.com/ForestConnect).

Exploitive harvesting – exploitive harvesting, thoroughly applied, can take decades to correct. If possible, avoid this activity by being informed, asking questions, and working with foresters and loggers who have a commitment to sustaining forest systems. That commitment may require that your revenue is less in the short run. If you inherit an exploited woodland, you will need to work through a process of allocating sufficient sunlight to desired species (even of poor growth form). At the same time, limit the impacts of deer and interfering vegetation.

Unfortunately, these barriers (and maybe others) occur on many privately owned woodlands in the Northeast and Midwest. Participate in your local forest owner or maple producer association woodland tours to learn how others are solving the process of regeneration. In some cases, you may need to encourage them to be deliberate in their solutions rather than just “hope” for success. 🌲

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From the Executive Director (continued)

While there are still many loggers who buy standing timber, they are fewer now; most contract directly to sawmills to cut the timber they buy, while still contributing the ever-important skill and knowledge of the harvest.

The marketplace, which is dominated in NY by the hardwood lumber industry, now forms the fourth side of the “Forestry Square.” The sawmills have always been the marketplace, but typically hung in the background with standing timber on private land. Some bought timber, but most either owned timberland or relied on loggers to supply them with logs because they didn’t really have the time or manpower to buy private timber.

Most of the timber is purchased by sawmills now, either direct from the landowner or through a consulting forester; they contract the logging. The industry now employs professional foresters to buy the timber and oversee the logging operations. The industry has consolidated, and with the high worldwide demand for the hardwood lumber produced by NY’s forests, the sawmills must seek out the timber supply versus waiting for logs to show up on a truck. Expensive logging equipment has made it riskier and difficult for a logger to invest on the hope of having timber to buy; loggers are less interested in taking the risk of buying timber in favor of a steady paycheck under a sawmill contract. The role of the sawmill in this four-way partnership is simply to provide the money, and to take responsibility for the logging operation.

So other than to share some history and show you a couple of snappy graphics, is there a point in all this? Yes. It brings me back to my original question—do you know your place? As a member of NYFOA, and therefore a well-informed woodlot owner, you are different than the average landowner in these relationships. Armed with information and knowledge you are more likely to ask a lot of questions and to question the status quo, you are more likely to have higher demands and expectations of those working in your woods, and you are more likely to have very clear goals for what you want to achieve. Some

of the other partners in this four-way relationship might view you as being a little more difficult than the average landowner because of that. That’s OK. In my opinion, that is merely the successful expression of NYFOA’s mission fulfilled – the mission to promote sustainable forest management and stewardship fulfilled by educating our members.

However, for the forest management process to work, each side of the forestry square must be intact and remain financially stable. There’s the wrinkle — the ability to keep your woodlot a working woodlot fails without financial stability. If any one side of the forestry square should fall by the wayside, the forest management process stops — whether that management is for timber, habitat, restoration, regeneration, aesthetics, species diversity, water supply, or carbon. I don’t mean to describe this relationship to be more like a house of cards than a square, but it shows the importance of each side plays.

Unless you are an industrial or investment landowner, most private woodlot owners do not necessarily depend on their woods for financial stability; the other three sides of the square do, however. As the landowner, you typically get paid something for your timber, but unfortunately, as the landowner, you are the last one to get paid. That may come as a shock but that is the reality. The wood products coming out of the mills (whether a sawmill, paper mill, pellet mill, pallet mill, etc.) have only so much value, and after everyone else in the chain gets what they need to be financially stable, what’s left gets paid to the landowner — that’s the stumpage value.

For the forest management process to work, and hence for the forestry square to remain intact, each side needs to trust each other to do their part and know their place. The forestry team must make sure the landowners’ achievable goals are met. The sawmill must be fair in the pricing and steadfast in fulfilling the contract. The logger must exercise care in their work to protect the forest, the land, and the water. And the landowner must be open for business and have reasonable expectations.

As the landowner, you play the most pivotal role in this four-way partnership. You are the gate keeper of the supply chain — you control the forest and its management; you set the standards for how your land will be treated. I will boldly say that your place is to manage your woods well, so it continues to supply the markets and serve the environment — I know you do; you’re a NYFOAn after all. I will also boldly say that your place is to do your part to help the others to be financially stable and profitable (or at least not hinder it). I do not mean to say that you should “do as you are told” as my use of the term “knowing your place” might imply. Nor do I mean that you should allow the other three to do as they please, but as the landowner you may need to make compromises at times. For example, the loggers are probably the most tightly squeezed of the four partners. They are pressured to exercise care on the land. They are pressured to produce logs. They are limited by the weather and other restrictions. Believe it or not, but they only work 6-8 months out of the year — that’s a financial challenge for them and the sawmill. Many landowners restrict logging during turkey and deer hunting season — that’s 4 months. Wet spring conditions force them to shut down for a month or more. Summer storms, fall rains, or winter thaws create scattered periods of shut down. It adds up to a lot of down time. So, one of the compromises I speak of is for when there are lengthy periods of unusually wet weather, or a lack of freezing weather talk with your forester about the limits and options and find a way for the logger to work and the sawmill to be supplied so they both stay financially stable.

Stand by your goals and stand by your operational standards, but with the guidance of your forester keep them as reasonable as you can. Trust your other partners but verify. If you can do that, your side of the square will remain intact, and...you will know your place; you will be part of the solution.

Until next time...go to the woods — take it all in and love it until you can’t.

–Craig Vollmer
NYFOA Executive Director

Wild Things in Your Woodlands

DEVON DAVIS

SMOOTH GREEN SNAKE (*OPHEODRYS VERNALIS*)



Photo credit: Andrew Hoffman

The smooth green snake is a thin, small snake that is between 11 and 22 inches long, on average. Its head is slightly wider than the rest of its body, and its scales are smooth and unkeeled. Its underside ranges in coloration from white to light yellow, and its backside is occasionally brown or tan, though it is most commonly a beautiful, bright green. It is the only snake in New York State with a fully green backside, making it easily identifiable. Spotting one is a difficult task, however, as it camouflages well in its grassy habitats. Sexual dimorphism is present, with males being slightly smaller but having longer tails than females. It is nonvenomous and docile. Breeding occurs in late spring and summer, and 3-13 ovular eggs are laid from June to September, often under logs or rocks or in rotting vegetation. Young snakes are duller in color and brighten as they age.

The smooth green snake, also known as the grass snake, gets its name from its smooth, unkeeled scales and bright green top coloration. It is a gentle snake, and rarely bites humans.

Smooth green snakes can be found in various areas across Canada, the United States, and even parts of Mexico. Their range generally extends through southeastern Canada to the north, Saskatchewan and portions of the Midwest to the west, and Virginia to the south. Isolated populations can be found in northern Mexico, Texas, Colorado, Missouri, and Wyoming. They live throughout New York State, including Long Island and high-altitude regions such as the Adirondacks.

One would think it would be easy to spot a smooth green snake, but their preference for grassy habitats, such as meadows, marshes, prairies, pastures, and woodland and lake edges makes seeing them an uncommon occurrence due to their camouflage. They can occasionally be found on the ground or in low-lying shrubs in open forested areas, but they are most likely to be spotted when seeking warmth on rocks or logs on sunny days. During hibernation, they will slither into cracks and holes such as abandoned small mammal burrows or anthills.

Unlike most snake species, smooth green snakes primarily prey on insects and spiders. Some of their favorite prey include crickets,

grasshoppers, and caterpillars, but they also eat moths, beetles, snails, slugs, centipedes, millipedes, ants, worms, harvestmen, and sometimes even small amphibians. They detect their prey visually and by picking up chemical information with their tongues. They kill their prey via strike, rather than by constricting them. Many animals prey on smooth green snakes, including birds (such as hawks and crows), as well as larger snakes and mammals (such as foxes and raccoons). When threatened, they will try to flee and secrete a foul-smelling substance to ward off predators.

In the warmth of late spring and summer, smooth green snakes begin to mate. They become sexually

mature at around two years old. From June to September, females usually lay two clutches, each containing four to six eggs. These eggs are ovular and white, and approximately one inch long. After four to 23 days, snakelets will hatch from the eggs, which are usually laid in old rodent burrows or in piles of wood or rotting vegetation. Smooth green snakes can live up to six years.

Besides natural predation, smooth green snakes face multiple threats. Due to their unique and colorful appearance, they are sometimes captured individually or commercially. However, they are not known to survive well in captivity. Commercial collection serves as a major threat because their populations are often small and isolated. They are victims of habitat loss, as many of their habitats are threatened by road building, agriculture, stream diversion, and development activities. Since roads often run through and fragment habitats favored by these snakes, they are often struck by vehicles.

Smooth green snakes are important in controlling insect populations,

and they serve as prey for many species. They are a unique species that contributes to the biodiversity of several habitats. Though their population status is considered "Least Concern" in New York State, threats are continuing to put pressure on their populations, especially as development continues to encroach on natural areas in New York State and across the country. Seeking alternative pest control methods rather than using pesticides (especially adjacent to riparian areas) is one major way to keep their habitats healthy. Another way homeowners can maintain habitats for smooth green snakes is to preserve swaths of unmown grassy areas on their properties, and create brush piles at the edge of fields or forest openings. Through these actions, the health of smooth green snakes and their habitats can be better maintained on private lands. ♻️

Devon Davis is a Program Assistant for the New York State Master Naturalist Program, directed by Kristi Sullivan at Cornell University's Department of Natural Resources. More information on managing habitat for wildlife, and the NY Master Naturalist Volunteer Program, can be found at <https://blogs.cornell.edu/nymasternaturalist/>



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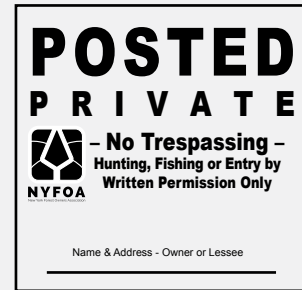
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Woodland Health

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

COORDINATED BY MARK WHITMORE

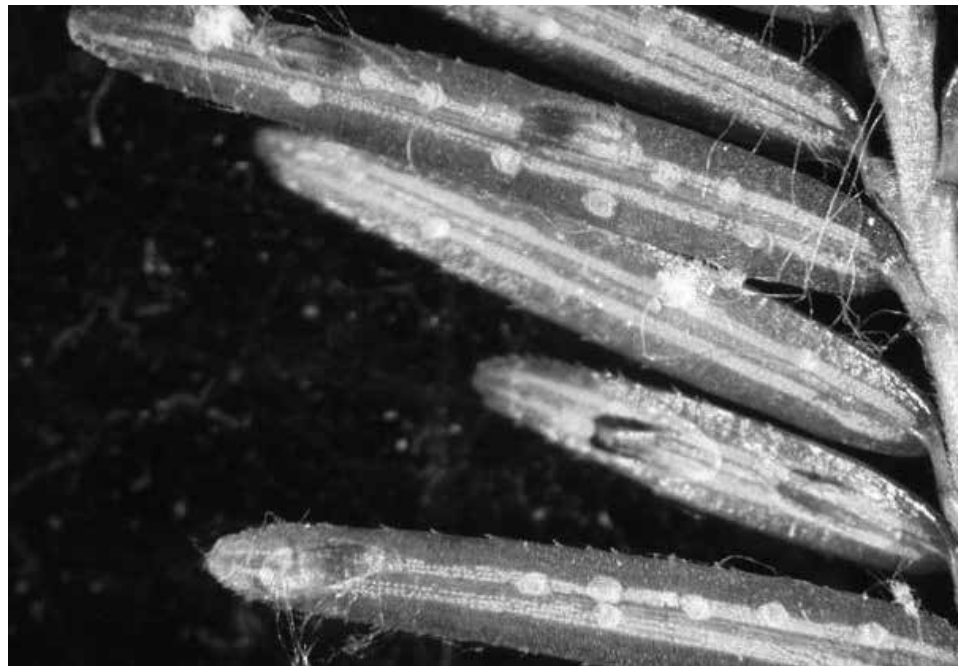
THE SCALES OF SUMMER

BY MARK WHITMORE

As I finish the early defoliator season with an intense period of *Bacillus thuringiensis* treatment in my orchard against the onslaught of Spongy (Gypsy) moth, I begin contemplating the insects of summer. One of my favorite groups are often hidden in plain view, the scale insects. I can't think of a woody plant that is not fed upon by at least one scale species. Most of the scales in New York are native and rarely cause economic damage, but can be annoying. Of course, there are the introduced scales, and they pose problems.

Scale insects are part of an order of insects often referred to as the "True bugs", or Hemiptera, which has over 65,000 species named. Insects in this order all have piercing-sucking mouthparts that, for the most part, are used to suck the sap out of plants, and include such wonders as aphids, stinkbugs, cicadas, spittlebugs, and plant hoppers (Spotted Lanternfly). One of my favorite exceptions to the vegetarian diet predominant in this order are the giant water bugs, or "toe-biters". I consider myself lucky when I lay on a pond dock and find one catching and feeding on an unfortunate frog or bullfrog tadpole. Another exception, and definitely not a favorite, are bedbugs. Take some advice from an entomologist and put your luggage in the tub or shower when staying at a hotel. I digress...

Scale insects are grouped with aphids, whiteflies, mealybugs, and adelgids



Elongate hemlock scale. Kristopher Abell, Univ of Massachusetts, Bugwood.org

into the suborder Sternorrhyncha, which was called the order Homoptera when I was a young student. This group are all plant feeders and have their mouthparts positioned rearward from their head along their breast (or ventral surface). Scale insects (about 8000 species worldwide) are small, usually from 1mm to 5mm, and diverse in appearance but all grow beneath a domed waxy shell, similar to a turtle shell. The group as a whole tend towards asexual reproduction, but when males are present they look very different, more like tiny flies. Adult females are

wingless, have reduced or no legs, and tend to stay in one place. Females can lay up to 2000 eggs. Eggs hatch into the mobile 1st instar crawler, which can crawl or is dispersed by wind. Crawlers eventually settle, insert their mouthparts, begin to feed, and form a waxy scale on top of their body. Scale insects come in two flavors: soft scales and hard (or armored) scales.

Soft scales (family Coccidae) are more important on broad-leaved and deciduous woody plants as well as houseplants. The protective cover of soft scales can look like a tortoise shell and



Cottony maple scale. Eugene E. Nelson, Bugwood.org

remain attached to the dorsal surface of the scale. As they scales grow they exude honeydew, or excess sap from the plant. A dark colored sooty mold will grow on the honeydew and can be especially annoying when populations of scale are high and the honeydew is dropping on your car or house. Honeydew will also attract ants and wasps. Adult females will often secrete waxy wool under the scale, which accumulates around the posterior part of their body and within which they lay their eggs. This waxy wool can be so dense that the scales can easily be confused with mealybugs; look for the hard scale at the front of the waxy wool.

The most famous soft scale in my mind is the cottony cushion scale, *Icerya purchasi*. Introduced from Australia to California in 1868, it quickly had a devastating impact on the citrus industry. The Vedalia beetle, *Rodolia*

cardinalis, was introduced from Australia in the early 1890's and within just a few years the cottony cushion scale was no longer a problem. This was the first recorded successful management of an introduced pest by introducing a natural enemy, what we now call classical biological control.

Perhaps the most common soft scale in our forests is the cottony maple scale (CMS), *Pulvinaria innumerabilis*. CMS is widely distributed across North America in urban and wild forests and is one of the most conspicuous soft scales. The host range of CMS is quite broad, including many broadleaved trees and shrubs, but as its name implies, it favors maples, in particular the soft silver maple and boxelder. CMS overwinters as a flat immature nymph on twigs. It begins to develop in spring and by early summer adult females have produced large, white, waxy ovisacs containing

up to 1000 eggs. When populations are dense they can resemble a string of popcorn on the twigs. Progeny of these females then crawl onto leaves and feed near the veins. Males are produced and mate with adult females on the leaves and their progeny then settle on twigs to overwinter. Heavy feeding by CMS can damage and kill branches, especially on dry sites. The accumulation of honeydew and sooty mold can be substantial and may inhibit photosynthesis and cause leaves to drop prematurely. This is a native insect and a number of natural enemies, including birds, usually keep populations under control. Because the waxy wool covers the body in summer, control with a contact insecticide will not work. Control is best in early spring when a horticultural oil is effective when applied to infested twigs.

continued on next page


The hard, or armored scales (family Diaspididae) are generally much smaller than soft scales and their hard cover is much more tightly appressed to the plant surface where they feed. Eggs are produced under the adult females scale, and upon hatching the crawlers will search for a place to settle. When the crawlers settle, and begin to feed, the females will lose their legs and antennae with the first molt and remain stationary the rest of their lives. Hard scales are common on conifers, feeding on needles and twigs. Heavy feeding can cause premature needle loss and branch death. However, no honeydew is produced, so sooty mold is not a problem. Populations of native scales are usually kept under control by natural enemies except in situations where trees are under stress or where natural enemies are hindered by road dust or pesticide use.

Red pine scale, (RPS), *Matsucoccus matsumarae*, is what is sometimes referred to as a snowy scale because it is a hard scale with a dusting of white waxy hairs. RPS feeds on terminal twigs and is thought to have been introduced from Japan on exotic pines planted at the NY World's Fair in 1939. There was a lot of concern when it first emerged as a pest killing red pine in CT in the late 1940's. For now, RPS seems to be restricted to coastal areas because of its cold sensitivity. It has spread through primarily coastal areas of CT, NY, NJ, NH and ME. It still kills trees, but usually in conjunction with drought and bark beetles. Control with insecticides has been ineffective in forest settings, but works (as do horticultural oils) with repeated application on pet trees. Whole tree harvesting reduces the spread of this potentially dangerous pest but I keep wondering what will happen with a changing climate.

Elongate hemlock scale (EHS), *Fiorinia externa*, is another introduced hard scale in our forests. First introduced in Queens in the early 1900's, it has spread much more slowly than the other introduced hemlock pest, hemlock woolly adelgid (HWA). These light brown, oval scales are easily seen

on the underside of hemlock and true fir needles. There is a native hard scale also found on hemlock needles, *Abgrallaspis ithacae*, but it is round and gray. EHS is now found in a number of eastern states. In NY it is found throughout the Hudson Valley and in the Berkshires to VT. It has spread west into the Catskills and is found localized in spots into the Finger Lakes. Although its crawlers are spread by wind, it is more likely that the movement of infested nursery stock is responsible for the western spread. There have been anecdotal reports that EHS has caused hemlock mortality, but its presence with HWA leads to questions about the impact of their interaction that have not been resolved. There is a predator and parasitic wasp recovered from EHS but they have

not been effective at biocontrol. The best way to treat for EHS is to use dinotefuran (Safari). This, in a tank mix with imidacloprid, will control both EHS and HWA.

Scale insects are an often overlooked yet important part of the pest complex associated with our forest trees. Most are native and are kept under control by natural enemies unless the trees are under stress. Your first consideration for control of scale insects, and other insects, should be to reduce stress of trees. In a changing climate this may prove to be a challenge. 

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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Please send your suggestions to:

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Welcome New Members

We welcome the following new members (who joined since the publishing of the last issue) to NYFOA and thank them for their interest in, and support of, the organization:

Name	Chapter	Name	Chapter
Glenn Brownstein	NAC	Steven Reiling	SOT
Shari Dann	CNY	Tyler Richardson	NAC
Christian DiPaola	WFL	Joshua Roesener	NAC
Karen & Alan Durston	CNY	Joe Toman	SOT
Bob Edmund	NAC	Erika & David Younis	WFL
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Give More to Your Favorite Charity and Less to the IRS

BY NICK JENSEN, CPA CFP®, OWNER- SILVO PLANNING, LLC

Giving to the NYFOA, or your other favorite charities, is a great thing to do. Sometimes, people take the standard donation and can't claim a tax deduction. That's OK — you are helping your favorite causes make the world a better place. But there are still ways to make sure that more of your hard-earned funds go to a non-profit rather than to the IRS.

As you all know, New York State's forested landscape is largely privately-owned but provides irreplaceable public benefits in the form of clean water and air, flood control, carbon sequestration, wildlife habitat, and overall quality-of-life.

NYFOA (a 501c3 nonprofit at the state level) relies on contributions from members like us to help educate woodland owners about best management practices that will ensure the many benefits from our forests will be available to future generations.

In addition to conserving our New York forests, your donation to NYFOA may provide you with valuable tax benefits. This article explains a few ways to donate that can accomplish both goals. We will be talking about:

- Cash, check or credit/debit card (you may only realize tax advantages **if you itemize your deductions**)
- Qualified Charitable Distributions (if you are 70 1/2+, you may realize tax advantages **even if you claim the standard deduction**)
- Appreciated securities (donating these may provide a tax deduction for the full value, **avoiding capital gains taxes**)

Cash:

This includes giving cash, a check, or via credit/ debit card transaction. It is the simplest method of giving. You may only get a tax benefit, however, if you itemize on your tax returns. Many more people have started claiming the standard deduction since tax law changed in 2017.

Qualified Charitable Distribution (QCD):

If you are at least age 70 ½, you can make a QCD directly from your IRA to NYFOA. This method can satisfy charitable goals and allow funds to be withdrawn from a traditional IRA without any tax consequences. The QCD can also satisfy your Required Minimum Distribution (RMD) up to \$100,000 per year, if you are age 72 or older.

When the QCD is properly sent directly to NYFOA, it is not reported as income, so it doesn't affect the taxation of your social security benefits or the amount of your Medicare Part B premiums. For example:

- Donor A is 73 years old, itemizes his deductions, withdraws \$500 from his IRA and donates it to NYFOA. He reports \$500 in income and a \$500 charitable deduction. But, his adjusted gross income is \$500 higher and that may affect how his social security is taxed or the amount of his Medicare Part B premiums.
- Donor B is also 73 years old, takes the standard deduction on her taxes, but has \$500 sent directly from her IRA to NYFOA. She doesn't

have to claim the income or itemize the deduction and her adjusted gross income is not \$500 higher, so her social security and Medicare Part B premiums are not affected.

In order to do this properly, you will need to complete the appropriate form with the custodian of your IRA. The check has to be made payable to NYFOA and mailed to the following address before December 31st: **PO Box 541, Lima, NY 14485**

Highly Appreciated Securities:

If you are fortunate to have owned highly appreciated securities for over one year in a taxable account, you can also transfer those shares "in-kind" to NYFOA. You pick up a charitable deduction for the fair market value of the shares on the day they were transferred. NYFOA can then sell those shares and use the proceeds to further its mission. Because of its nonprofit status, no taxes are paid on the difference between what those shares cost to buy and their value on the date of sale.

Steps involved in getting this done are listed below:


1. Decide which shares you want to donate.
2. Obtain NYFOA's account information (call 800-836-3566 or email info@nyfoa.org)
3. Fill out the appropriate stock donation form and send it to your brokerage.
4. Once the donation arrives, NYFOA will send you a tax receipt that lists the date of transfer, the value of the donation, the number of shares, and the stock's ticker name.

Which donation options will maximize your tax advantages?

	Cash, Check, or Credit Card	Qualified Charitable Distribution	Appreciated Securities
Itemize your deductions	Yes	Maybe*	
Standard Deduction		Best if 70 ½+	
Own appreciated stock			Yes


* If you are 72+, and are required to take Required Minimum Distributions from your IRA and don't need all of it to fund your living expenses, then the QCD is a good option.

5. Report the stock donation when you file your taxes.

Before deciding on what is the best way for you to donate to your favorite charity, it is important that you meet with a tax or financial advisor to get targeted advice tailored to your specific needs. 

Nick is a member of NYFOA and a board member of the Western Finger Lakes Chapter. He owns Silvo Planning, LLC; a financial advisory and tax preparation firm located in the Finger Lakes. When he is not working with clients he can be found managing his 100 acre farm in Steuben County. Nick can be reached at 607-794-1672 or by email at silvoplanning@gmail.com

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NYFOAns Converge on the Finger Lakes

BY CRAIG VOLLMER, NYFOA EXECUTIVE DIRECTOR

If you couldn't make the NYFOA statewide meeting held this past April, we are sorry that we missed you and hope to see you next time. Until then, we'll give you a little recap of what you missed this year. But first... please join with me, the leadership of NYFOA, and all those in attendance in expressing our gratitude to the planning and steering committee of Western Finger Lakes Chapter for their considerable effort to put together a fantastic program. Nicely done WFL.

The 2022 statewide meeting held in April on the beautiful campus of the Finger Lakes Community College drew 80 members from the Lower Hudson Valley to the northern Adirondacks to Chautauqua County to the far west,

and in between. The program offered a wide range of great topics for forest owners to expand their understanding and stewardship of the natural world we immerse ourselves in as NYFOAns.

In the opening act we learned a lot about the North American beaver and our NYS mammals from Conrad Baker - a Nuisance Wildlife Control Operator based in Geneseo and Outdoor Educator for Letchworth State Park. Did you know that beavers, a member of the rodent family, secrete castoreum from glands near their nether regions that have been used as an additive to flavor food and in perfumes for 80 years? I bet you wish you didn't know that now. Did you also know that April 7th is International Beaver Day? We were a

little late in celebrating this fascinating animal, but I don't think they will hold it against us.

Steve Kinne, NYFOA member and Master Naturalist, is a good listener—to birds anyway. He shared some great audio of birdsong to help us better identify birds by sound; giving practical phonetic tips to remember how they sound when they are difficult to see. Saying his presentation was for the birds would simply be corny and just not true...the birds don't need help identifying each other.

If the emerald ash borer has not affected your woodlot, you are among the fortunate few. Jim Engel, NYFOA member and owner of White Oak

continued on next page



Forest loving people gathered for the NYFOA statewide meeting.



Above: Gary Koplun warning us about the dangers and liabilities of dead ash trees.

Top Left: Conrad Baker shares his knowledge about those dam beavers.... I mean beaver dams.



Middle Left: Steve Kinne provides guidance on how to be a good listener; sorry, he doesn't offer marital counseling.

Bottom Left: Jim Engel showing us that we can grow more than just trees in our woodlots.



Nursery, located in Ontario County, introduced us to several native plant, shrub, and tree species that could be planted in our woods to increase plant diversity, wildlife benefit, and beauty, and help fill the void made by dead ash trees. Rest assured this did not include multi-flora rose, Japanese honeysuckle, or tree of heaven. Jim also led a well-attended tour of his nursery after lunch.

During our lunch break, Gary Koplun, DEC Forester, gave a brief presentation bringing much needed attention to the new findings about the hazards that EAB killed ash trees have become and the liability to landowners for dead ash trees standing on your property along public roads.

Also, over lunch, attendees competed for several great items put up for silent auction and tried their luck in a DryShod boot raffle or to win some cold hard cash in a 50/50 raffle. There were several happy winners; everyone else was, well...not a winner, but trying to win is half the fun.

Kristina Ferrare, NYFOA board member and Cornell Forestry Program Specialist, introduced us to a new



Above: Kristina Ferrare shows us how to see our woods through a new set of eyes. If it turns out that if your forest lacks resiliency, counseling might be available through your forester.



Top Left: Dick Starr shows members the art of making a Biltmore Stick. Who says forest owners can't do an arts and crafts project? It's made of wood after all.

Bottom Left: Emily Bonk, DEC Forester, leading the woods walk on the High Tor Wildlife Management Unit. The sun was shining and not a bug in sight.

tool to assist forest owners assess the resiliency of their woodlot. Did you know that forest resiliency is the capacity of a forest to respond to a disturbance by resisting damage or stress and recovering quickly? Well, you do now, and Kristina walked us through how you can figure that out for your woods.

Ever wonder how foresters figure out how many board feet are in a tree? Well, Dick Starr, NYFOA member and WFL chapter chair, knows the secret. He showed several members how to make a Biltmore stick; a specially calibrated tool used to quickly measure diameter and height of a tree.

The statewide meeting ended where it should—in the woods. Several members went on a great woods walk on the NYS High Tor Wildlife Management Unit led by Emily Bonk, DEC Forester. Emily showed us some before and after regeneration harvesting to encourage young forest cover for the creation of wildlife habitat. 🌲

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