



**Procedural Guide for Private Foresters  
in the  
Implementation of the Forest Land Enhancement Program**

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**Cost Share Element**

**FLEP**

**August, 2003**

Prepared by the Bureau of Private Land Services  
Department of Environmental Conservation

## Table of Contents

<b>BACKGROUND.....</b>	<b>5</b>
Federal Authorization.....	5
Interim and Final Rule.....	5
State Priority Plan .....	5
 <b>PURPOSE - FLEP FINANCIAL ASSISTANCE (COST SHARE).....</b>	 <b>5</b>
 <b>COST SHARE PROGRAM TENETS.....</b>	 <b>6</b>
 <b>PRIORITIES.....</b>	 <b>7</b>
 <b>FUNCTIONS AND RESPONSIBILITIES.....</b>	 <b>8</b>
State Forester.....	8
DEC Service Representative .....	8
Service Representative .....	8
Cost Share Disbursement Administrator (Disbursement Administrator).....	8
Regional Forester.....	9
Landowner participant.....	9
 <b>APPLICATION / APPROVAL PROCESS .....</b>	 <b>10</b>
Cost-share assistance - eligibility requirements .....	10
Who.....	10
Extent of Practice (acres) .....	10
Management Plan .....	10
Ownership size .....	10
Maintenance.....	11
Lease / easement holders.....	11
Financial assistance will not be paid for the following: .....	11
Capital investments.....	11
Landowners shall not be reimbursed with cost share for actions that: .....	11
Access.....	11
<b>Application process.....</b>	<b>12</b>
Application .....	12
Approval process .....	12
Performance period / extensions .....	13
Cancellation of approvals .....	13
Certification of Performance .....	13
Payment .....	13
Maintenance and compliance.....	14
Recapture of funds for non-compliance.....	14
Funds must be available to issue approval .....	15
Approvals & permits .....	15
Appeals procedures.....	15

<b>“PRACTICE PLANS” .....</b>	<b>15</b>
Practice Plan Purpose and Elements .....	15
Generic Practice Plan .....	17
Real Property Tax Law Section 480a.....	17
 <b>ACCOMPLISHMENT REPORTING .....</b>	 <b>17</b>
 <b>INFORMATION SOURCES - WEB LINKS, PUBLICATIONS.....</b>	 <b>17</b>
NYS Department of Environmental Conservation .....	17
Cornell University / Cornell Cooperative Extension.....	18
USDA Forest Service.....	18
Conservation Reserve Program - CRP.....	18
US Fish & Wildlife Service, Landowner Incentive Grant Program - LIP.....	18
Wildlife Habitat Improvement Program - WHIP .....	18
Environmental Quality Incentives Program - EQUIP .....	18
WAC Watershed Assistance Program .....	19
Conservation Practice Specifications .....	19
 <b>APPENDICES .....</b>	 <b>20</b>
FLEP Practices Approved in New York and Rates of Cost-Share .....	21
Landowner Forest Stewardship Plan Format .....	38
Generic “Practice Plan” .....	41
FLEP Landowner Daily Work Log .....	45

## **BACKGROUND**

### ***Federal Authorization***

The Forest Land Enhancement Program (FLEP) is authorized by the Cooperative Forestry Assistance Act of 1978 as amended by the Farm Security and Rural Reinvestment Act of 2002 (PL 107-171). It is established to provide financial assistance to State Foresters to promote sustainable forestry practices on non-industrial private forest lands (NIPF).

Apportionment of funds received under this program will result in a balanced and coordinated federal and state effort that provides management expertise, financial assistance and education to NIPF owners to promote sustainable forest management. The assistance provided under the Program shall complement, and not replace, existing federal, state and local programs that provide assistance to non-industrial private forest (NIPF) owners.

The same law that established FLEP also terminated the traditional forestry assistance programs, Stewardship Incentives Program (SIP) and the Forestry Incentives Program (FIP). While similar in nature certain statutory provisions of the 2002 Farm Bill and resulting federal program rule, dictate that the opportunities for assistance and administrative procedures will be somewhat different than under the SIP and FIP programs.

### ***Interim and Final Rule***

A program rule is developed at the federal level to provide the details of program administration, based upon the enabling statute. The rule describes minimum eligibility requirements for participation in FLEP cost share in addition to details of the other elements of FLEP; technical and educational assistance. It requires each participating state to develop a State Priority Plan, a cooperative effort of the State Forester and State Forest Stewardship Coordinating Committee, outlining how the state will utilize funding from the Secretary of Agriculture for purposes of implementing the three elements of FLEP; financial, technical and educational assistance.

### ***State Priority Plan***

The State of New York has prepared a State Priority Plan which establishes requirements and standards for a cost share assistance program. Eligibility, authorized practice components, cost share rates, approval process, payment process, record keeping, etc for the cost share portion of FLEP is addressed in this document. The State Priority Plan that the Forest Service concurs with, will be posted on the DEC web site for public information.

## **PURPOSE - FLEP FINANCIAL ASSISTANCE (cost share)**

FLEP cost share assistance is to be directed to actions that impact 'forest land' and 'lands suitable for the establishment of forest'. FLEP will not serve in a capacity to provide solutions to resource conditions on agricultural, open and other lands that do not meet the above criteria.

FLEP cost share assistance complements the state's Cooperative Forest Management program providing cost share assistance for implementation of sustainable forestry practices. FLEP efforts will complement and not replace other forms of assistance and is focused to provide assistance

that enhances the extent of management actions accomplished on **forest lands** (lands currently in forest growth or suitable for establishment of forest). FLEP assistance will be directed to those landowners and needs that are not met with other federal, state or local assistance opportunities. Service Representatives will refer landowners to other appropriate publicly and privately funded assistance programs, to enhance and extend the effectiveness of FLEP funding.

FLEP cost share funds are to be directed to actions that encourage landowners to implement sustainable forestry actions detailed in their Landowner Forest Stewardship Plans.

DEC Regional Foresters will be responsible to identify the geographic areas within their jurisdiction, where available FLEP funds should be focused to meet needs and opportunity, to maximize Program effectiveness avoiding redundant opportunities for landowner assistance that may be available through other federal, state or local assistance programs.

Individual practices will be installed per a Practice Plan. Such Practice Plan may be part of a comprehensive management plan (Landowner Forest Stewardship Plan). FLEP practice component standards and other practice specification documents prepared or supplied by Service Representatives shall form the basis for the development of a Practice Plan.

Service Representatives will encourage owners who have a Landowner Forest Stewardship Plan in place, to use appropriate technical and financial assistance to implement plan recommendations.

## **COST SHARE PROGRAM TENETS**

The Forest Land Enhancement Program is to promote sustainable forest management. Cost share practices will be directed to forest lands and those lands suitable to establish forest. FLEP is unlike similar assistance programs for which DEC has provided technical assistance functions, that permitted assistance for lands other than what is considered as forest (stewardship lands - open lands, abandoned agricultural, wetlands, water bodies, etc). The focus under FLEP is on land with trees.

Other federal, local and state programs are designed to provide certain assistance to lands other than forest. FLEP is not to replace these sources of assistance, but rather should be utilized when other sources of assistance are not available or appropriate in providing help to landowners to install sustainable forestry practices.

USDA programs, including the Conservation Reserve Program (CRP), Wildlife Habitat Improvement Program (WHIP), Wetlands Reserve Program (WRP), Environmental Quality Incentives Program (EQUIP), provide technical, financial or educational assistance to private landowners to facilitate the conservation, protection or enhancement of natural resources.

Opportunity is also available through a US Fish and Wildlife Service Landowner Incentive Program to conserve, enhance and protect habitat for wildlife species of concern. State Fish and Wildlife agencies are eligible for support through LIP to facilitate improvement of privately owned land.

The New York City Watershed Agricultural Council administers a comprehensive local program providing technical and financial assistance to forest landowners in the New York City Watershed area of southeastern New York, to plan and implement forestry practices strongly emphasizing water quality protection.

FLEP is not to serve as a substitute for technical and financial assistance offered under these or

other programs that are or may become available.

Refer to section on “Information Sources” for additional details of these programs.

## **PRIORITIES**

The State Priority Plan (SPP) provides the opportunity for each state to identify priority FLEP practices to best promote sustainable forestry actions on NIPF lands. The State Forester’s office and State Forest Stewardship Coordinating Committee completed this effort in the development of the SPP. Differential cost share percentage rates have also been employed to focus participation in high priority activities. Anticipating limited funds from the federal level, available dollars will be targeted to those practices determined to best meet Program objectives. The SPP identifies the following:

### **High Priority practices -**

- FLEP 1 Landowner Forest Stewardship Planning
- FLEP 3 Forest Stand Improvement
- FLEP 5 Water Quality Improvement and Watershed Protection

### **Medium priority practices -**

- FLEP 2 Reforestation and Afforestation
- FLEP 6 Fish and Wildlife Habitat
- FLEP 7 Forest Health and Protection
- FLEP 8 Invasive Species Control

### **Low priority practices -**

- FLEP 4 Agroforestry
- FLEP 9 Fire and Catastrophic Risk Reduction
- FLEP 10 Fire and Catastrophic Risk Rehabilitation
- FLEP 11 Special Practices

These priorities should be used as a basis in obligating funds among competing requests for cost share assistance. The demand for cost share help may exceed the financial ability of the Program to respond. Providing priority criteria will assist DEC Service Representatives in making decisions as to requests to fund, with high priority activities being the first to receive approval.

The SPP also identifies Forest Legacy tracts as receiving priority for cost share assistance in situations where the demand for the same practice exceeds available funds.

FLEP cost share is a continuous sign up program, essentially providing for service on a first come, first served basis. It is, however, permissible for DEC Service Representatives to “batch” requests for a period no longer than 45 days, at which time all requests received must be approved, disapproved or deferred and held for consideration at a later time if there is insufficient availability of funds. All requests received, regardless of whether “batched” or not will be acted upon within 45 days by the DEC Service Representative.

Landowners who file an incomplete Application / Transaction form will be provided an opportunity to submit an amended form with all requested information required for the DEC Service Representative to make a determination to approve or disapprove the request.

## **FUNCTIONS AND RESPONSIBILITIES**

### ***State Forester***

The State Forester, Director of the Division of Lands and Forests shall:

- Develop a State Priority Plan, in cooperation with the State Forest Stewardship Coordinating Committee,
- establish program priorities, policies and procedures, providing direction to Regional Foresters in Program administration
- oversee administration of FLEP funding
- monitor program progress
- report accomplishments to USDA-FS
- designate Service Representatives and their duties and authorities.

### ***DEC Service Representative***

New York State Department of Environmental Conservation foresters (Forester I, II, III & IV) and those foresters working under immediate direction of DEC made available through mutual agreement or arrangement with any third party and the State Forester (IE. Cornell FLEP Technical Assistance Foresters), shall be considered as DEC Service Representatives authorized to perform the following FLEP elements:

- prepare Landowner Forester Stewardship and Practice Plans,
- approve Landowner Forest Stewardship Plans on behalf of the State Forester,
- determine the feasibility of implementing FLEP cost share practices and authorize the obligation of FLEP funds to eligible practices
- determine if such practices have been satisfactorily installed per Program standards and authorize cost share payments to landowners
- maintain FLEP funding record with amount distributed, amount obligated, amount authorized for cost share payment. Reconcile amounts with monthly report from Disbursement Administrator as needed
- other duties as directed by the State Forester required for the administration and implementation of the Program.

### ***Service Representative***

Private sector foresters, including Cooperating Foresters and other consulting, industrial and public foresters, who have a degree in forest management or associated discipline from an institution recognized or accredited by the Society of American Foresters shall be considered Service Representatives authorized to:

- prepare Landowner Forest Stewardship and Practice Plans
- provide professional services to landowners
- and other duties as may be authorized by the State Forester necessary for the implementation of the Program.

### ***Cost Share Disbursement Administrator (Disbursement Administrator)***

The New York Woodland Stewards (NYWS) will provide a cost share disbursement function for the FLEP. Federal FLEP funds will be available directly to NYWS for disbursement to landowners for completed practices upon authorization by a DEC Service Representative. A portion of funds available will be used to cover administrative costs associated with this disbursement function.

NYWS will be responsible for the following actions:

- obligation of funds to approved projects, upon approval of DEC Service Representative
- payment of cost shares to landowners, upon authorization of DEC Service Representative
- maintenance of financial records and accomplishments according to procedures established by Program rules, State Priority Plan and/or Responsible Official of the USFS
- report program accomplishments and cost share funds expended, to the State Forester on a quarterly basis
- provide monthly report to Regional forestry offices of FLEP funds available, funds obligated and funds earned (cost share paid) for monthly report period and from start of Program

### ***Regional Forester***

DEC Regional Foresters are responsible for overall FLEP cost share administration within their DEC region. They may serve as a DEC Service Representative in addition to the following functions:

- develop a distribution plan for the use of available regional FLEP funds based upon factors including number of NIPF landowners and acres; priority watersheds, needs and opportunities in specific forest regions, geopolitical units (counties) and 'communities', resources to administer the Program; consistent with tenants of the Program, the State Priority Plan, federal program rule and statute. (see appendix)
- provide direction to staff relative to fund distribution and matters pertaining to program administration
- provide supervision to staff to insure that Program is administered according to State Priority Plan, direction provided by the State Forester and applicable statute and federal program rule
- as necessary, develop redistribution framework of available regional FLEP funding to meet regionally demonstrated need and opportunity
- inform State Forester as needed of Program accomplishments, problems, issues, etc

### ***Landowner participant***

Landowners who wish to advantage themselves of FLEP cost share assistance must meet program eligibility criteria detailed in the State Priority Plan pertaining to them and their properties. They are also responsible to:

- have a DEC approved Landowner Forest Stewardship Plan in place for the tract on which cost share is requested, except when requesting FLEP 1 assistance for the preparation of a LFSP
- request cost share in a format prescribed by DEC, providing all requested information to serve as a basis to approve, disapprove or hold requests for cost share assistance
- install FLEP practice components after receiving notification from the Disbursement Administrator that the practice(s) requested have been approved and monies obligated to the practice(s)
- install practice(s) according to a Practice Plan (may be included in LFSP), per Program requirements and standards
- inform DEC Service Representative that installation of practice has been completed providing documentation of costs incurred
- if necessary, request practice period extension at least 15 days prior to the initial practice approval termination date providing justification for the requested extension of approval period secure all necessary federal, state and local approvals, authorizations, permits, etc needed to allow installation and maintenance of approved practice(s)

## APPLICATION / APPROVAL PROCESS

### ***Cost-share assistance - eligibility requirements***

#### Who

All landowners of nonindustrial private forest land, including those who process forest products on a part-time or intermittent basis, and who meet the requirements of this section, are eligible to apply for and receive assistance under the Forest Land Enhancement Program without regard to race, color, religion, national origin, age, sex, disability, political belief, sexual orientation, or marital or family status.

#### Extent of Practice (acres)

A landowner is eligible to receive funds under the cost-share component of the Forest Land Enhancement Program for treatment of not more than a total of 50 acres of land annually, except where the State Forester determines that significant public benefits would accrue from approval of a landowner treating up to 250 acres annually. In making a determination of significant public benefits, the State Forester shall consider, at a minimum, whether landowners who treat more than 50 acres but less than 250 acres annually are necessary to achieve cost-effective resource management objectives without unduly affecting Program participation of other eligible landowners. Requests for waivers must be submitted in writing through the Regional Forester to the State Forester for consideration.

One acre will be the minimum project size except as may be noted under descriptions of specific FLEP practice components. Cost sharing the preparation of a Landowner Forest Stewardship Plan is not subject to the above described acreage limit. However no cost share shall be paid for Landowner Forest Stewardship Plans in excess of 1,000 acres. Program participants may not receive more than \$5,000 in FLEP cost share payments annually or \$25,000 in total through 2007 through New York's program. Nationally participants may not treat more than 1000 acres annually with FLEP cost share funds nor receive more than \$100,000 in FLEP cost share payments since the beginning of the program.

#### Management Plan

The only type of management plan that may be cost-shared through the Program is a Landowner Forest Stewardship Plan (LFSP), the format adopted by the State Forester, with the concurrence of the SFSCC, dated October 2000 or any subsequent amendment or revision approved by the State Forester. Cost share for development of a LFSP will only be available when all forest land or land suitable for the establishment of forest within a contiguous ownership is addressed within the LFSP. Ownerships that are crossed by roads, water bodies, utility corridors and the like will be considered contiguous for purposes of this program.

To be eligible to receive cost share payment for authorized FLEP practices, the landowner / applicant must have a current LFSP in effect for the tract on which cost share assistance is requested.

#### Ownership size

To be eligible to receive cost-share under the Program, a landowner shall not own less than five (5) contiguous acres of forest land or land suitable for establishment of forest growth. A landowner shall not own more than 1000 acres, with the possibility of a waiver from the state forester for ownerships up to 5000 acres, in total throughout the US and its territories to be considered eligible.

### Maintenance

To be eligible to receive cost-share funds under the Program, a landowner must agree to conduct treatment according to the management plan or practice plan and to maintain program practices for 10 years, unless otherwise approved by the State Forester.

### Lease / easement holders

A person or entity who has a long-term lease / easement on the land to be treated under the Program must provide a copy of this lease to the DEC Service Representative to document that the holder has the right to install and maintain the practice in accordance with Program requirements. The DEC Service Representative shall insure that the terms of the lease / easement are adequate to allow the person or entity to comply with eligibility requirements and program rules before approving any practice for obligation of funds.

### Financial assistance will not be paid for the following:

Cost incurred before an application for cost share is approved by the DEC Service Representative unless pre-authorized by the State Forester. The State Forester shall consider normal and appropriate costs associated with supplies (such as marking paint, flagging) and materials (such as herbicides, tree seedlings, seed, fertilizer, building materials, culvert pipes) necessary for satisfactory installation of FLEP practices as pre-authorized costs which may be reimbursed upon funding obligation and subsequent approval for payment of FLEP cost share funding.

Cost share for repeating or similar practices on the same treatment and site by the same owner which have been accomplished under any federal, state or local government or private sector financial assistance/cost share program, except where practices are repeated or reinstalled due to a failure of the original installation through no fault of the owner or the original life span of the installation has elapsed and where such practice is determined to be needed and approved by the DEC Service Representative and outlined in the Landowner Forest Stewardship Plan.

### Capital investments

No program funds shall be expended by a landowner recipient for capital investments or capital improvements not included as an activity or practice carried out as part of FLEP cost share element such as the purchase of land or any interest in land, or any interest in an endowment. No program funds shall be expended for the planting or introduction of invasive non-native species of flora.

### Landowners shall not be reimbursed with cost share for actions that:

- lead to the impairment or net loss of wetlands;
- contaminates ground water with chemicals;
- impairs soil productivity;
- destroy or substantially degrade the habitat of rare threatened or endangered species or natural communities of similar rarity or endangerment.

### Access

Program landowner participants must provide to Service Representatives the right of access to the landowner's property to inspect practices for the duration of the maintenance period, normally ten years from the date of cost share payment.

## ***Application process***

### **Application**

Eligible landowners shall make application upon an Application / Transaction form (see appendix) provided by DEC. Completed applications shall be submitted to the DEC Service Representative at the Regional DEC forestry office having geographical jurisdiction where the property is located. The Application/Transaction form must be executed by the landowner. If an owner has provided authority to another person or entity, to act on behalf of the owner in matters pertaining to FLEP, an executed notarized Power of Attorney, in proper format must be submitted at the time of application. The application process establishes an agreement between the landowner and the Program, placing the owner in a position to meet certain Program requirements and standards. Proper execution of the application is required for proper Program administration.

### **Approval process**

The DEC Service Representative will enter the request from the Application / Transaction form into a sequential ledger maintained at the Regional Forestry office level. A transaction number shall be assigned consisting of: two digit year, region #, county code # and sequential number unique to the requests received in the county. Example 03- 4-55-3 represents third request in Albany County in Region 4 in FFY 2003. (See appendix for list of county code #s) The DEC Service Representative shall determine if there is a current approved Landowner Forest Stewardship Plan for the tract. The DEC Representative will also determine if the form has been properly executed by the landowner or duly authorized representative (see "Application" above).

The DEC Service Representative shall determine if the requested practice(s) is (are) eligible (detailed in the LFSP), feasible and funds available indicating his/her approval upon the Application / Transaction form. For FLEP 1 requests, the DEC Service Representative shall determine that the tract is eligible, that the tract includes forest lands or lands suitable for establishment of forests. The DEC Service Representative must act upon the request within 45 days of receipt either authorizing obligation of FLEP funds or advising the applicant and Disbursement Administrator, (see appendix) of the absence of available funds for the requested practices. The DEC Service Representative may also determine that the applicant is ineligible to receive cost share assistance for one or more reasons. The applicant shall be so informed by the DEC Service Representative in writing (see appendix).

If sufficient funds are not available to meet an eligible practice request, the DEC Service Representative shall so inform the applicant in writing (see appendix). The request shall not be disapproved by the DEC Service Representative. It shall be maintained on the ledger until such time as adequate funds become available or the applicant requests cancellation or modification of the initial request. A copy of the communication advising the applicant of insufficient funds to obligate to the requested practice shall be provided to the Disbursement Administrator along with a description of the practice components and extent requested.

Upon approval of the request for cost share by the DEC Service Representative, the Disbursement Administrator shall be provided a copy of the approved Application / Transaction form indicating the amount of FLEP funds to be obligated for the practices and extent (acres, feet, each, etc.). (see appendix) The Disbursement Administrator shall record such practices and obligate the funding amount approved in its records and forward a copy of the approved Application / Transaction form to the applicant and the DEC Service Representative advising that the practice can be commenced. Upon notification by the applicant that the practice has been installed, the DEC Service Representative shall certify that it has been installed according to Program standards and the Practice or Forest Stewardship Plan, and authorize cost share payment to the Disbursement Administrator utilizing the Application / Transaction form.

All communications and copies of pertinent documents, including the LFSP, pertaining to a request for FLEP cost share assistance shall be maintained in an individual client file at the Regional forestry office level. These materials may be in the landowner's CFM / Stewardship file if one has been established.

### Performance period / extensions

Practice approvals and obligation of funds shall not exceed 6 months, excepting requests that include fall site preparation prior to spring tree planting under FLEP 2, invasive flora control that must be accomplished during the growing season under FLEP 8 and critical area planting under FLEP 5 and 10 when such must be accomplished during the growing season. The DEC Service Representative may determine that an approval period in excess of 6 months is needed due to the date the request is acted upon and when the practice may be satisfactorily installed. Participants may request one extension, not to exceed 6 additional months for those practices approved for an initial 6 month approval period. Such requests for an extension shall be approved or disapproved by the DEC Service Representative. A request for an extension must be made in writing by the applicant, to the DEC Service Representative, at least 15 days prior to the original practice approval termination date. In determining if an extension is appropriate; the size and scope of the practice, time of the year and availability of required materials shall be considered in addition to other factors germane to individual practices.

### Cancellation of approvals

Upon notice to the DEC Service Representative by an applicant, indicating that he / she does not intend to complete an approved practice, such request for cost share assistance shall be cancelled by the DEC Service Representative in regional DEC ledger. The landowner and FLEP Disbursement Administrator shall be notified of the cancellation in writing, whereupon those monies obligated to that practice shall become available for obligation to other requests approved by the DEC Service Representative.

Requests, that have had funds obligated to approved practices, will be cancelled if the applicant fails to report performance at the end of 6 months or additional approved extension period. The FLEP Cost Share Administrator and the applicant shall be notified of the cancellation in writing by the DEC Service Representative. See appendix for sample letter. Those monies for a cancelled request shall become available for obligation to other requests approved by the DEC Service Representative.

### Certification of Performance

Upon completion of the practice the applicant shall certify to the DEC Service Representative and submit appropriate documentation of actual cost (paid invoices, cancelled checks, receipts, landowner work log, etc) of installation of the practice. The DEC Service Representative shall determine the eligible amount of cost share funding due the applicant for completed practice components and authorize cost share payment to the Disbursement Administrator within 30 days of receipt of notification of completion and required cost documentation, etc., by the applicant, using the Application / Transaction form as record of such determination.

If any required document ( Application / Transaction form, bills, invoices, cost records, etc) is not provided by the applicant or is incomplete, the DEC Service Representative shall advise the applicant in writing of the deficiency and provide an opportunity for the applicant to submit the required documents. (see appendix) No partial payments are authorized for practice components.

### Payment

The Disbursement Administrator shall provide cost share payment to the applicant upon

certification by the DEC Service Representative that the practice has been satisfactorily installed, indicating the cost share amount and extent of accomplishment.

### Maintenance and compliance

Landowners must maintain FLEP practices for a minimum of 10 years unless otherwise directed and authorized by the State Forester for a period less than but not more than ten years.

Landowners who fail to maintain the practice for the specified life span, will be required to repay the Program (Disbursement Administrator) the cost share received. If title to the property is transferred, the original landowner is liable for the repayment if the new owner fails to maintain the practice.

Cost share practices which require an additional action to meet the intended objective which is not cost shared, must be fully implemented. Failure to completely implement will be considered failure to maintain the cost shared practice, subjecting the landowner to repayment of cost share payments back to the Program. An example, if a landowner receives cost share for the designation of trees under FLEP 3 for commercial treatment, the cost share payment may be authorized when the prescription and subsequent marking has been satisfactorily completed. The landowner must complete the harvest cutting per the marking within the practice lifespan, otherwise the cost share is subject to repayment back to the Program. Conducting the cutting per the marking is considered maintenance of the practice.

Repayment of cost share for failure to maintain the practice will not be required by virtue of an involuntary taking by eminent domain or other involuntary proceeding; an involuntary proceeding that involves the establishment of rights of way for public highways or energy transmission purposes; or gas, oil or mineral exploration, development or extraction activity by an independent grantee pursuant to a lease or other conveyance of subsurface rights recorded more than ten years prior to the date of request for cost share.

### Recapture of funds for non-compliance

Cost share payments made to participating landowners may be recaptured (monies returned by participating landowner) under the following circumstances:

a) If any landowner, successor or assignee uses any scheme or device to unjustly benefit from the Program, the financial assistance funds shall be withheld or a refund of all or part of any program payments otherwise due or paid that person shall be secured. A scheme or device includes but is not limited to coercion, fraud or misrepresentation, false claim, or any business dissolution, reorganization, revival or other legal mechanism designed for or having the effect of circumventing requirements of the Program;

(b) If any landowner or successor takes any action or fails to take action, which results in the destruction or impairment of a prescribed practice for the duration of the practice life span, financial assistance funds shall be withheld or a recapture of all or any part of any Program payments otherwise due or paid shall be secured based on the extent and effect of destruction or impairment;

(c) If a landowner sells, conveys or otherwise loses control of lands, upon which there is continuing obligation to maintain a practice and a new landowner does not agree to assume the responsibility for maintaining the practice, the landowner who was originally obligated to maintain the practice shall be liable to reimburse the Program for all cost share on such practices except as provided in above item, Maintenance and Compliance;

(d) Nothing in this section requiring the withholding or refunding of financial assistance funds shall preclude any penalty or liability otherwise imposed by law.

Upon learning that a landowner program participant has failed to maintain a practice for the required lifespan, the DEC Service Representative shall so inform the Disbursement Administrator and the State Forester providing pertinent information including name, address, transaction number, practice and description of action leading to non maintenance. The Disbursement Administrator shall take appropriate actions to inform the program participant of the violation and proceed to recapture the cost share funds paid, returning such to the cost share fund account. Upon repayment of such funds to the Disbursement Administrator they shall become available for obligation to other eligible requests. The Disbursement Administrator shall inform the DEC Service Representative and the State Forester when such repayments are received.

### Funds must be available to issue approval

Approval of an application by the DEC Service Representative, shall obligate funds and constitutes an agreement between the Program and the landowner to cost share the practice on a reimbursable basis upon DEC Service Representative verification that the practice has been implemented. No approvals shall be issued by the DEC Service Representative unless there are adequate funds available within the geographic region in which the property is situated, to obligate to the requested practices.

### Approvals & permits

Any person who carries out practices under this Program shall be responsible for obtaining the authorities, easements, permits or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations.

### Appeals procedures

Any landowner, successor or assignee who is dissatisfied with any determination made under this Program by a DEC Service Representative, may request reconsideration by the State Forester and if the matter is still not resolved, by the Responsible Official of the US Forest Service. All requests for reconsideration shall be in writing and shall contain factual information explaining the basis for requesting reconsideration. All decisions upon consideration shall be issued in writing.

## **“PRACTICE PLANS”**

### ***Practice Plan Purpose and Elements***

The purpose of the plan or what might be called a practice specification sheet, is to provide sufficient detailed information about a practice component to enable the applicant and / or conservation contractor (forester) to install such in a proper manner. This document also establishes a standard by which the installed practice may be judged as being acceptable or not, based upon Program standards and requirements. The use of activity descriptions, schematic diagrams, reprinted materials that may currently exist is encouraged.

In many cases the LFSP may include all necessary information thus a separate practice plan document may not be necessary. The DEC Service Representative must determine that a practice plan or details in a LFSP have been developed before authorizing obligation of cost share funds.

In the development of a practice plan (or LFSP narrative), the applicable elements listed below,

should be addressed for the practice components requested by the applicant. DEC or other Service Representatives may prepare Practice Plans.

The generic practice plan is also included which may be modified to meet the needs of individual Service Representatives and landowners.

All practice plans to include the following information:

Objective - what is to be accomplished, purpose of practice related to ownership goals

Location - stand or portion of stand, practice location identified on property type map

Extent - acres (or portions in tenths of acres), lineal feet, units, etc.

Time of year to install practice- month, season, etc.

Maintenance required during practice life span including completion of actions not eligible for cost share assistance required to meet objectives (IE harvest cut subsequent to prescription and tree designation, access corridor establishment subsequent to design and layout)

### **FLEP 1 - Landowner Forest Stewardship Plan**

Plan to be prepared according to LFSP format dated October 2000

### **FLEP 2 - Afforestation & Reforestation**

Site preparation if any - description of work: herbicide, mechanical, scarification, etc

Species to be planted or seeded

Spacing or rate of seed application

Protective measures - tree shelters, weed barriers, fencing, etc

### **FLEP 3 - Forest Stand Improvement**

Stocking density (BA) treatment, OR as applicable

Number of Crop trees available for release

Quality and size classes to be retained

Treatment method - girdle, cut or/and herbicide

### **FLEP 5 - Water Quality Improvement and Watershed Protection**

Description of typical BMP installations anticipated - description of materials, installation instructions (illustrations may be used)

Tree and/or shrub species for buffer or stream bank vegetation

Seedling spacing

Seeding mixture components and rates of application

Nutrients and lime for seeding - rates of application

### **FLEP 6 - Fish and Wildlife Habitat**

Estimate of number of Crop trees per acre to be released

Species, quality and size classes to be favored in crop tree release

Treatment method - girdle, cut or/and herbicide

Number of fruit trees to be pruned and released - description of activity

Number and type of nest box or artificial cavity to be placed (illustrated design plan)

Hibernaculum - description of installation

Description of vegetation to be removed to create opening

Seeding mixture components for forest opening seeding and rates of application

Nutrients and lime for seeding - rates of application

Species of tree and or shrubs for stream side establishment

Spacing of trees and or shrubs

Expanded dimensions to be established for seep, materials required (rock) for facing

**FLEP 7 - Forest Health and Protection**

Stocking density (BA) before treatment  
Quality, species and size classes to be removed  
Species, quality and size classes to be retained  
Treatment method - girdle, cut or/and herbicide

**FLEP 8 - Invasive Species Control**

Description of mechanical or chemical control activity - equipment & materials required to complete practice

**FLEP 10 - Fire and Catastrophic Event Rehabilitation**

Seeding mixture components for critical area seeding and rates of application  
Nutrients and lime for seeding - rates of application  
Stocking density (BA) before treatment  
Quality and size classes to be removed  
Species, quality and size classes to be retained  
Treatment method - girdle, cut or/and herbicide

***Generic Practice Plan***

A sample practice plan is available in the appendix. Appropriate practice component information may be inserted in blanks provided. It may be modified to meet individual needs but provides a basic outline for needed plan elements. Two sample generic practice plans are included in the appendices.

***Real Property Tax Law Section 480a***

DEC Service Representatives shall not provide technical assistance services on lands subject to the Forest Tax Law for which DEC has an approval responsibility under the RPTL.

**ACCOMPLISHMENT REPORTING**

Cooperating Foresters - Those individuals that participate in DEC's Cooperating Forester Program are required to file an annual report of accomplishments. For purposes of this requirement, Cooperating Foresters DO NOT NEED to report forestry accomplishments associated with FLEP cost share practices. The accounting / record keeping system established for FLEP will allow DEC to develop a summary of accomplishments associated with FLEP. Landowner Forest Stewardship Plans that may be prepared for landowners, which are NOT completed with FLEP financial assistance, to establish landowner eligibility for other FLEP practices, however should be included on the Cooperating Forester annual accomplishment report.

**INFORMATION SOURCES - WEB LINKS, PUBLICATIONS*****NYS Department of Environmental Conservation***

Information on the Forest Land Enhancement Program, including the NY State Priority Plan, Approved FLEP Practices, the Private Forester (aka Service Representative) Handbook is available at at <http://www.dec.state.ny.us/website/dlf/private/private>

### ***Cornell University / Cornell Cooperative Extension***

Information on FLEP as it pertains to landowners, such as presentations and guidelines, and the preparation of Landowner Forest Stewardship Plans is available at [www.dnr.cornell.edu/ext/forestrypage](http://www.dnr.cornell.edu/ext/forestrypage)

### ***USDA Forest Service***

Information pertaining to FLEP including link to Farm Bill and Interim Program Rule available at <http://www.fs.fed.us/spf/coop/programs/loa/flep.shtml>

### ***Conservation Reserve Program - CRP***

USDA Farm Service Agency's (FSA) Conservation Reserve Program (CRP) is a voluntary program available to agricultural producers to help them safeguard environmentally sensitive land. Producers enrolled in CRP plant long-term, resource-conserving covers to improve the quality of water, control soil erosion, and enhance wildlife habitat. In return, FSA provides participants with rental payments and cost-share assistance. Contract duration is between 10 and 15 years.

Additional Information at <http://www.fsa.usda.gov/dafp/cepd/default.htm>

### ***US Fish & Wildlife Service, Landowner Incentive Grant Program - LIP***

Program Objectives: LIP (nontribal portion) is designed to assist States by providing grants to establish or supplement landowner incentive programs that protect and restore habitats on private lands, to benefit Federally listed, proposed or candidate species or other species determined to be at-risk, and provide technical and financial assistance to private landowners for habitat protection and restoration.

Additional information at <http://fa.r9.fws.gov/lip/lip.html>

### ***Wildlife Habitat Improvement Program - WHIP***

The Wildlife Habitat Incentives Program (WHIP) is a voluntary program for people who want to develop and improve wildlife habitat primarily on private land. Through WHIP USDA's Natural Resources Conservation Service provides both technical assistance and up to 75 percent cost-share assistance to establish and improve fish and wildlife habitat. WHIP agreements between NRCS and the participant generally last from 5 to 10 years from the date the agreement is signed.

Additional information at <http://www.nrcs.usda.gov/programs/whip/>

### ***Environmental Quality Incentives Program - EQIP***

The Environmental Quality Incentives Program (EQIP) was re-authorized in the Farm Security and Rural Investment Act of 2002 (Farm Bill) to provide a voluntary conservation program for farmers and ranchers that promotes agricultural production and environmental quality as compatible national goals. EQIP offers financial and technical help to assist eligible participants install or implement structural and management practices on eligible agricultural land.

EQIP offers contracts with a minimum term that ends one year after the implementation of the last scheduled practices and a maximum term of ten years. These contracts provide incentive payments and cost-shares to implement conservation practices. Persons who are engaged in

livestock or agricultural production on eligible land may participate in the EQIP program. EQIP activities are carried out according to an environmental quality incentives program plan of operations developed in conjunction with the producer that identifies the appropriate conservation practice or practices to address the resource concerns. The practices are subject to NRCS technical standards adapted for local conditions. The local conservation district approves the plan.

Additional information at <http://www.ny.nrcs.usda.gov/programs/index.html#eqip>

### ***WAC Watershed Assistance Program***

The Watershed Agricultural Council is a not-for-profit corporation representing the towns and municipalities within the NYC watershed. The WAC Forestry Program offers various sources of assistance for landowners in the NYC Watershed. Additional information at [http://www.nycwatershed.org/index\\_landcons.html](http://www.nycwatershed.org/index_landcons.html)

### ***Conservation Practice Specifications***

Many of the FLEP Practices have detailed specifications on design and execution as stipulated through technical documents of the Natural Resources Conservation Service. Additional information at [http://www.ftw.nrcs.usda.gov/nhcp\\_2.html](http://www.ftw.nrcs.usda.gov/nhcp_2.html)

## **Appendices**

FLEP Practice document  
Landowner Forest Stewardship Plan format  
Generic "Practice Plan"  
Landowner work log  
Application / transaction form

Appendix 1

***FLEP Practices Approved in New York and Rates of Cost-Share***

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**FLEP 1**

**Practice:** Landowner Forest Stewardship Plans (LFSP)

**Purpose:** Development or revision of a Forest Stewardship Plan, or upgrading of an existing forest management plan to meet Forest Stewardship Plan standards.

**Eligible Components and cost share rates:** Cost share shall be 75% of actual costs not to exceed the following rates for new plans and 50% for revised or updated plans:

New Forest Stewardship Plan	NFSP	\$ 250 /plan
Plus 5 to 50 acres	SP-1	\$ 9 /acre
51 to 100 acres	SP-2	\$ 7 /acre
101 to 500 acres	SP-3	\$ 5 /acre
500 plus acres	SP-4	\$ 4 /acre
 Revised or updated Plan	 RFSP	 \$ 100 /plan
Plus 5 to 50 acres	RSP-1	\$ 4 /acre
51 to 100 acres	RFSP-2	\$ 3 /acre
101 to 500 acres	RFSP-3	\$ 2 /acre
500 plus acres	RFSP-4	\$ 1 /acre

**Standards and Specifications:** Cost share is authorized for the preparation of a LFSP prepared to format dated October 2000, adopted by the State Forester and the State Forest Stewardship Coordinating Committee.

Cost share is authorized to revise existing LFSP with an expired life span (management recommendations not current) and update other forest management plans to LFSP standards.

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6/23/03

## FLEP 2

**Practice:** Afforestation/Reforestation

**Purpose:** Site preparation, planting, seeding and practices to encourage natural regeneration to ensure forest establishment for timber and fiber production and carbon sequestration.

**Eligible Components and cost share rates:** Cost share shall be 50% of actual costs not to exceed the following rates:

Softwood tree planting (seedlings and planting)	STP	\$ 175 /acre
Hardwood tree planting (seedlings and planting)	HTP	\$ 200 /acre
Site preparation for tree planting	SPTP	\$ 75 /acre
Site preparation for natural seeding	SPNS	\$ 150 /acre
Tree Shelters	TS	\$ 150 /acre
Weed barriers	WB	\$ 50 /acre
Fencing	FETP	\$ 2 /lineal foot

**Standards and Specifications:** Cost share is authorized to plant tree seedlings, necessary site preparation and protection to ensure satisfactory establishment of a stand of trees for the purpose of timber or fiber production and carbon sequestration.

Cost share is authorized for site preparation necessary for natural seeding to establish a new stand of trees for the purpose of timber or fiber production.

A planting plan or regeneration plan (may be part of Forest Stewardship plan) approved by the Service Representative, is required that describes any needed site preparation, tree species, spacing, and protective measures necessary to ensure establishment of suitable numbers of desirable tree seedlings to meet objectives.

At minimum of three (3) acres shall be planted or regenerated. At least 500 softwood seedlings or 200 hardwood seedlings or proportional combination of softwood and hardwood seedlings shall be planted per acre.

All fencing determined to be necessary to restrict damage by wildlife species shall be of suitable design to restrict access. Tree shelters and fencing shall not be cost shared in combination to prevent animal damage. Domestic livestock must be restricted from areas of seedling establishment. Cost share is NOT authorized for fencing to restrict domestic livestock from practice site.

Weed barriers are authorized in connection with hardwood planting. Non invasive native or naturalized species of trees shall be used for purposes of this practice.

The purchase or establishment of plant materials for orchard, ornamental, nursery or Christmas tree purposes is NOT authorized.

Refer to NRCS Conservation Practice Standard 490, Forest Site Preparation <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/490.pdf> and Tree/Shrub Establishment 612 <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/612.pdf> for additional considerations.

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6/23/03

### FLEP 3

**Practice:** Forest Stand Improvement

**Purpose:** Practices to enhance growth and quality of wood fiber.

**Eligible Components and cost share rates:** Cost share shall be 75% of actual costs not to exceed the following rates:

Tree designation for non-commercial stand improvement	TDNC	\$ 18 /acre
Cull tree and/or grapevine removal and weeding	CRGR	\$ 45 /acre
Thinning Light (10 to 20 sq. ft. BA, 400 to 600 dia. in.)	TH1-3	\$ 60 /acre
Medium (21 to 40 sq. ft. BA, 601 to 1000 dia, in.)	TH2-3	\$ 90 /acre
Heavy (41 plus sq. ft. BA, 1001+ dia. in.)	TH3-3	\$110 /acre
Crop Tree Release 30 to 60 crop trees / acre	CTR1	\$ 60 /acre
61 + crop trees / acre	CTR2	\$ 90 /acre
Tree designation for commercial stand improvement	TDC	\$ 18 /acre

**Standards and Specifications:** Cost share is authorized for tree designation (marking) for stand improvement to enhance growth and stand quality by thinning, cull tree/grapevine removal or weeding. Tree designation (marking) will be according to a silvicultural prescription, approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide for even aged management.

Cost share is authorized for tree designation for crop tree release. Tree designation will be according to a prescription, approved by the Service Representative, based upon stand analysis and the publication "Crop Tree Management in Eastern Hardwoods" NA-TP-19-93.

Cost share is authorized for tree designation (marking) for stand improvement to enhance growth and stand quality accomplished through commercial cutting (intermediate improvement cutting). Tree designation (marking) will be according to a silvicultural prescription, approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide. The purpose is to facilitate science based silvicultural timber management to encourage sustainable forestry management practices by the delivery of technical assistance. Cost share is NOT authorized for activities associated with administration, marketing or other aspects of commercial sales not directly related to development of silvicultural prescriptions and designation of trees.

Cost share for tree designation is NOT authorized unless the stand is actually improved by cull tree/grapevine removal, weeding, thinning, crop tree release or harvesting.

Cost share is authorized for the thinning of forest stands. Thinning will be based upon a silvicultural prescription, as approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide for even aged management.

Cost share is authorized for the release of crop trees. At least 30 desirable crop trees per acre must be released on four sides in even aged stands. Crop tree release will be according to a prescription, approved by the Service Representative, based upon stand analysis and the publication "Crop Tree Management in Eastern Hardwoods" NA-TP-19-93.

Cost share is authorized for the removal of cull tree/grapevines or weeding of trees in multi aged stands, competing with desirable crop trees. At least 20 desirable crop trees must be released on two or more sides per acre. At least 20 desirable crop trees per acre must be released from competition of grape vines. Cull tree/grapevine removal or weeding will be completed according to

a silvicultural prescription, approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide for multi aged (all aged) management.

Cost share payment for this practice shall not exceed 75% of actual cost of implementation, not to exceed the above maximum rates.

Cost share is NOT authorized for improvement of less than three acres. The stand must exhibit a Site Index of 60 or greater.

Stand improvement for orchard, ornamental, nursery or Christmas tree purposes is NOT authorized.

Refer to NRCS Conservation Practice Standard 666, Forest Stand Improvement <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/666.pdf> and "Crop Tree Management in Eastern Hardwoods" NA-TP-19-93 for additional considerations.

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6/23/03

**FLEP 4**

**Practice:** Agroforestry

**Purpose:** Establishment, maintenance, and renovation of windbreaks, or other practices using trees and shrubs in conjunction with agricultural land use, including practices for energy conservation and carbon sequestration.

**Eligible Components and cost share rates:** This practice is not available in New York at this time.

**Standards and Specifications:**

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6/23/03

## FLEP 5

**Practice:** Water Quality Improvement and Watershed Protection

**Purpose:** Establishment, maintenance, renovation and/or restoration practices including any necessary design and engineering to improve or protect water quality, riparian areas, forest wetlands and forested watersheds.

**Eligible Components and cost share rates:** Cost share shall be 75% of actual costs not to exceed the following rates:

Forest access corridor design and layout	ACDL	\$ 0.08 /lin. ft
Best Management Practice component installation (water bars broad based dips, water deflectors, culvert installation)	BMP	\$ 50 /each
Culverts 18" dia.	CU18	\$ 11/lin. ft
24" dia.	CU24	\$ 16/lin. ft
Forest Riparian buffer establishment	FRB	\$ 200 /acre
Vegetative stabilization of forest stream banks	VSSB	\$ 0.40 /lin. ft
Critical area seeding	CAS-5	\$ 100 /acre

**Standards and Specifications:** Cost share is authorized for the design and layout of multi purpose management and recreational access corridors. Corridors will be designed with a minimum cleared width of 8'. Forestry Best Management Practice components including water bars, broad based dips, water deflectors, critical area seeding, culverts and other suitable components approved by the Service Representative shall be incorporated in the design and layout of corridors to restrict erosion and protect water quality. All design plans shall be approved by the Service Representative. Field layout shall include demarcation of route and installation location of Best Management Practice components.

Cost share is authorized for installation of forestry Best Management Practice components for cross drainage on access corridors including water bars, broad based dips, water deflectors, culverts and other suitable components approved by the Service Representative.

Cost share is authorized for the establishment of grasses and forbs on forest soils disturbed in connection with access corridor establishment per design and layout approved by Service Representative, to restrict erosion or protect water quality. Seeding mixture shall consist of non invasive native and naturalized grasses and forbs suited to site. Cost share rate for establishment shall include cost of seed, soil nutrients and lime (based upon Cornell soil test) and installation. Cost share is not authorized for critical area seeding of less than .5 acres.

Cost share is authorized for the establishment of riparian forest buffer areas on non forest land suitable for establishment of trees. At least three rows of planted shrubs and/or trees at a maximum spacing of 12' X 12' shall be established. Non-invasive native or naturalized plant species will be used. Cost share is NOT authorized for buffers of less than .5 acre in size or less than 200' in length.

Cost share is authorized for the establishment of stream side shrubs and / or trees in a forest area where low plant growth is not present, to stabilize stream banks, restrict erosion, protect water quality or modify water temperature. Non-invasive native or naturalized plant species will be used. Cost share is NOT authorized for shrub and/or tree establishment on less than 100 lineal feet of stream bank.

Cost share is authorized for the establishment of grasses and forbs in openings on forest land (existing critical areas - road surfaces being abandoned, landing areas and similar sites) to restrict erosion and protect water quality. Seeding mixture shall consist of non invasive native and naturalized grasses and forbs suited to site. Cost share rate for establishment shall include cost of seed, soil nutrients and lime (based upon Cornell soil test) and installation. Cost share is not authorized for critical area seeding of less that .5 acres.

Refer to NRCS Conservation Practice Standards 342 Critical Area Planting <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/342.pdf> 391 Riparian Forest Buffer <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/391.pdf> and 580 Stream Bank and Shoreline Protection <http://www.ny.nrcs.usda.gov/standards/ny580.pdf> for additional considerations.

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6/23/03

## FLEP 6

### Practice: Fish and Wildlife Habitat

**Purpose:** Establishment, maintenance, and restoration practices to create, protect, or improve fish and wildlife habitat, including any necessary design and engineering. Emphasis will be on enhancement of game and non-game woodland wildlife and protection of woodland streams supporting fisheries resources.

**Eligible Components and cost share rates:** Cost share shall be 50% of actual costs not to exceed the following rates:

Wildlife crop tree release (20 or more trees released per acre)	WCTR	\$ 45 /acre
Designation of trees for wildlife crop tree release	WDT	\$ 10 /acre
Wild fruit tree release and pruning	FTRP	\$ 15 /tree
Artificial cavity or nest box installation	CNB	\$ 10 /each
Artificial Hibernaculum installation	AHI	\$ 25 /each
Creation of forest openings for wildlife	WFO	\$ 200 /acre
Establishment of wildlife seeding in forest opening	WS	\$ 75 /acre
Establishment of stream side vegetation on forest land	SSV	\$0.25 / lineal foot
Seep expansion/enhancement	SEE	\$ 25 /each

**Standards and Specifications:** Cost share is authorized for the release of wildlife mast producing crop trees. At least 20 crop trees per acre must be released on four sides and be in the main crown canopy. Release of less than three acres is NOT authorized for cost share.

Cost share is authorized for tree designation for wildlife crop tree release. Tree designation will be according to a prescription, approved by the Service Representative, based upon stand analysis and the publication "Crop Tree Management in Eastern Hardwoods" NA-TP-19-93.

Cost share is authorized for releasing and pruning of wild fruit trees (apple, pear, etc) located on forest land, that have value as a wildlife food source. A maximum of ten wild fruit trees per acre shall be released on four sides and pruned to stimulate fruit production.

Cost share is authorized for the installation of artificial cavities, nest boxes and hibernacula for forest dwelling bird and wildlife species.

Cost share is authorized for the creation of forest openings to establish early successional forest growth or desirable grass and forbs habitat type. Forest openings shall be one acre or greater in size. No other openings or open land (agricultural land) may exist within 1000 feet of the practice site. When non-invasive grass and forbs, suitable to the site, are established for wildlife benefit purposes, nutrients and lime will be applied, based upon recommendations of a Cornell soil test, to insure satisfactory establishment.

Cost share is authorized for the establishment of stream side shrubs and/or trees in a forest area where low plant growth is inadequate, to provide aquatic habitat, stream bank stabilization or stream water temperature management benefits. Non invasive native and naturalized plant species will be used.

Cost share is authorized to expand and enhance natural wet ground seeps, to establish a source of water and to encourage establishment of herbaceous plant material in and immediately adjacent

to wet seeps for wildlife species identified in the LFSP as desirable. Cost share is NOT authorized for enhancement of more than one seep per 15 acres of forest land, creation of ponds or for the development of sources of water for domestic livestock.

Refer to NRCS Conservation Practice Standard 645, Upland Wildlife Habitat Management <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/645.pdf> for additional considerations.

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6/23/03

**FLEP 7**

**Practice:** Forest Health and Protection

**Purpose:** Establishment of practices primarily to protect, improve or restore forest health; including mitigating insect, disease, and animal damage to established stands. Emphasis will be on protection, improvement and restoration actions in response to damaging agents as well as preventative actions such as thinning to reduce host species of pests.

**Eligible Components and cost share rates:** Cost share shall be 75% of actual costs not to exceed the following rates:

Tree designation for stand improvement		TD-7	\$ 18 /acre
Thinning	Light (10 to 20 sq. ft. BA)	TH1-7	\$ 60 /acre
	Medium (21 to 40 sq. ft. BA)	TH2-7	\$ 90 /acre
	Heavy (41 plus sq. ft. BA)	TH3-7	\$110 /acre

**Standards and Specifications:** Cost share is authorized for tree designation (marking) for forest health stand improvement. Tree designation (marking) will be according to a silvicultural prescription as approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide incorporating forest health considerations, to reduce the numbers of trees of species at risk due to forest pest or disease infestation.

Cost share is authorized for thinning to remove infected or damaged trees and susceptible species to reduce risk of significant damage or mortality to a forest stand by a forest pest or disease.

Applications of chemical or biological agents for control of forest pests (i.e. spraying for Gypsy moth) is NOT authorized.

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6/23/03

**FLEP 8**

**Practice:** Invasive Species Control

**Purpose:** Practices to eradicate, or control the spread of invasive plants that inhabit forested environs that interfere with attainment of owner’s forest management goals.

**Eligible Components and cost share rates:** Cost share shall be 50% of actual costs not to exceed the following rates:

Mechanical removal or chemical control of invasive flora      ISC      \$ 100 /acre

**Standards and Specifications:** Cost share is authorized to control and or facilitate removal of invasive species of flora that, because of their presence, substantially restrict or prevent attaining forest management goals detailed in the Landowner Forest Stewardship Plan. Species considered invasive for purposes of this practice include: Autumn & Russian olive, Japanese barberry, multiflora rose, non-native honeysuckles, buckthorns, garlic mustard, Oriental bittersweet, ferns (hay scented, New York), Norway maple and Tree of heaven.

Use and application of chemical or biological agents for control shall be in compliance with all federal, state and local law or regulation and applied according to the label.

Control of invasive species for orchard, ornamental, nursery and Christmas tree purposes is NOT authorized.

“Biological Control of Invasive Plants in the Eastern United States”, FHTET - 2002-04, may serve as a reference for management and control.

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6/23/03

**FLEP 9**

**Practice:** Fire and Catastrophic Risk Reduction

**Purpose:** Establishment of practices primarily to reduce the risk from wildfire and other catastrophic natural events in areas considered to be of significant danger.

**Eligible Components and cost share rates:** This practice is not available in New York at this time.

**Standards and Specifications:**

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6/23/03

**FLEP 10**

**Practice:** Fire and Catastrophic Event Rehabilitation

**Purpose:** Establishment of practices primarily to restore and rehabilitate forests following wildfire and other catastrophic natural events. Insect and disease outbreaks are not considered catastrophic as wildfires, wind and ice storms are.

**Eligible Components and cost share rates:** Cost share shall be 50% of actual costs not to exceed the following rates:

Stabilization of firebreak soils (critical area planting)	CAP1	\$ 65 /acre
Stabilization of burned area (critical area planting)	CAP2	\$ 65 /acre
Tree designation for stand improvement/rehabilitation	TDSR	\$ 12 /acre
Thinning Light (10 to 20 sq. ft. BA)	TH1R	\$ 40 /acre
Medium (21 to 40 sq. ft. BA)	TH2R	\$ 60 /acre
Heavy (41 plus sq. ft. BA)	TH3R	\$ 75 /acre

**Standards and Specifications:** Cost share is authorized for establishment of grasses and forbs on firebreaks and in forested areas burned, where soils are determined to be in need of stabilization to restrict erosion and protect water quality.

Cost share is authorized for tree designation (marking) for forest stand rehabilitation and improvement. Tree designation (marking) will be according to a silvicultural prescription as approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide incorporating forest health considerations and rehabilitation needs to reduce the numbers of trees at risk of loss of productivity or mortality due to fire or catastrophic event

Cost share is authorized for thinning. Thinning will be according to a silvicultural prescription as approved by the Service Representative, developed pursuant to stand analysis data and an appropriate stocking guide incorporating forest health considerations and rehabilitation needs to reduce the numbers of trees at risk of loss of productivity or mortality due to fire or catastrophic event.

Refer to NRCS Conservation Practice Standards 342 Critical Area Planting, <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/342.pdf> and 666 Forest Stand Improvement <ftp://ftp.ftw.nrcs.usda.gov/pub/nhcp/pdf/666.pdf> for additional considerations.

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6/23/03

**FLEP 11**

**Practice:** Special Practices

**Purpose:** Establishment, maintenance, and restoration practices addressing other conservation concerns on nonindustrial private forest lands as proposed by the State Forester and the Committee and approved by the Responsible Official

**Eligible Components and cost share rates:** Special practices have NOT been established for New York at this time.

**Standards and Specifications:**

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6/23/03

## **General Standards and Specifications:**

### **Practice plans:**

A 'Practice Plan' must be prepared for each approved practice to insure that implementation of practice components is done according to Program specifications and requirements. Such Practice Plan may be included in the Landowner Forest Stewardship Plan (LFSP) or may consist of a stand alone document appended to the LFSP.

The Practice Plan shall describe the practice components needed to meet stated landowner objectives, the location (stand or portion of forest stand), the extent (acres, feet, etc), materials needed for proper implementation (e.g., seed, fertilizer, construction materials, seedlings, etc), specifications for implementation (e.g., remove all trees in main crown canopy to provide 10' of free to grow space around designated crop trees, control competing grasses and weeds with herbicide prior to planting spruce seedlings on a 8' X 8' spacing) , timing (season) and other pertinent information appropriate to serve as a basis to determine successful implementation to meet ownership goals.

### **Cost share is NOT authorized for:**

- a. Cost incurred before an application for cost share is approved by the DEC Service Representative; the State Forester shall consider normal and appropriate costs associated with supplies (such as marking paint, flagging), materials (such as herbicides, tree seedlings, seed, fertilizer, building materials, culvert pipes), necessary for satisfactory installation of FLEP practices as pre-authorized costs which may be reimbursed upon funding obligation and subsequent approval for payment of FLEP cost share funding;
- b. cost for repeating practices on the same site by the same owner which have been accomplished under any federal, state or local government or private sector program, except where practices are repeated or reinstalled due to a failure of the original installation through no fault of the owner or the original life span of the installation has elapsed and where such practice is determined to be needed and approved by the DEC Service Representative and outlined in the Landowner Forest Stewardship Plan;
- c. practices less than one acre in size, unless otherwise authorized as described in individual practice standards.

### **Landowners shall not be reimbursed with cost share for actions that:**

- a. would lead to the impairment or net loss of wetlands;
- b. contaminates ground water with chemicals;
- c. impairs soil productivity;
- d. would destroy or substantially degrade the habitat of rare threatened or endangered species or natural communities of similar rarity or endangerment.

No program funds shall be expended by a landowner recipient for capital investments, capital improvements, purchase of land or any interest in land.

Partial payment for individual components of a practice is not authorized when more than one practice component is required to achieve objective (IE. Payment of cost share for site preparation for tree planting, will not be authorized prior to actual planting of trees)

All persons involved in providing services in connection with the Program, including landowners, contractors, service providers, etc, shall be responsible to secure any necessary approvals, permits, and authorizations required to install practices and to comply with all applicable federal, state and local laws in installing approved practices.

Use of chemical or biological agents for any practice shall be in compliance with all federal, state and local law or regulation and used in accordance with label.



**Appendix 2**

***Landowner Forest Stewardship Plan Format***

New York State Department of Environmental Conservation  
**LANDOWNER FOREST STEWARDSHIP PLAN<sup>1</sup>**  
FORMAT - OCTOBER 2000

**REQUIRED ELEMENTS** - Stewardship plans should include the following elements.

1. **Landowner information:** name, mailing address and telephone number.  
**Plan preparer information:** name, mailing address and telephone number.  
**Plan preparation date**  
**Number of Forest Stewardship acres** owned and covered in plan.
2. **Landowner goals statement,** list of landowner management goals. Landowner affirmation of goals and management intention. (As owner, I/we agree that this management plan reflects my/our goals and intentions for the management of this property)
3. **General property description:** overview giving general location, major forest types, general landscapes and current land use. Identify any known:  
rare or endangered species                      classified streams  
protected wetlands                                  natural features  
Natural Heritage Program data is a useful reference.
4. **Soils information:** information can be generalized over property when soils are uniform. Describe how soils may affect attainment of landowner objectives. Soils map and descriptions from published county soil surveys, if available, are useful.
5. **Narrative description and discussion of interrelationship of resources,** specific to property in context to landowner management goals:  
wildlife and fisheries habitat                      forest health  
recreation and aesthetics                              timber  
soil and water
6. **Narrative description of each stand or management unit** including the following:  
forest or cover type  
stand history - past land use  
stand management objective that supports ownership goal  
recommended management activities including use of Best Management Practices  
stand descriptors:                      acres  
(May be in chart                      species composition  
form)    size class  
relative stocking density ( under, well or over stocked )  
site quality ( poor, good, excellent )  
timber quality (poor, good, excellent)

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1 All required elements of a landowner forest stewardship plan are included in the STEWPLAN software. STEWPLAN is available from the USFS Research Station at Burlington, VT. URL links and other information on stewardship planning are available at <[www.dnr.cornell.edu/ext/stewardship](http://www.dnr.cornell.edu/ext/stewardship)>

7. **Location map** on USGS map, county highway map or aerial photo adequately labeled.
8. **Forest type map** adequately labeled with:
  - property boundaries
  - stand boundaries
  - stand identification
  - water bodies, roads, structures, other physical features
  - scale, north arrow
9. **Ten year schedule** summarizing recommended management activities and priority. A chart summarizing recommendations by stand is suggested.

**OPTIONAL PLAN ELEMENTS** - Elements that, if resources permit and in the opinion of the professional preparing plan are appropriate to address landowner goals, should be included.

1. **Stand characteristics:** based on a reliable field inventory ( one that can be replicated with similar results) that includes:
  - stand age - determined by measurement or growth model
  - stocking - trees and BA per acre
  - volume - board feet, cords, cubic feet and / or tons per acre
  - growth rate - annual unit of growth based on increment borings or growth model
2. **Discussion of interaction with other surrounding properties.** Narrative description of how use, management and condition of surrounding parcels impact management of landowner's property.  
Narrative on any significant cultural resources present and identification of regional/subsection hierarchy. Archeological Site Inventory Maps and USFS National Ecoregional map by R. Bailey or Ecological Units of the Eastern US by Keys, McNab & Carpenter are useful references.
3. **Description of long range silvicultural objectives** for each stand or management unit, related to landowner goals.
4. **Management Unit Analysis Table** that summarizes stands or management units by:
  - area
  - site class
  - cover or timber type
  - management objective
  - recommended management activity
5. **TIME narrative** that summarizes landowners **T**ime, **I**nterest, **M**oney and **E**nergy to implement management plan.

**Appendix 3**

***Generic “Practice Plan”***

**Generic FLEP Practice Plan :**

Landowner Name:  
FLEP practice:  
Practice:

Date:

Practice description:

Practice Components and Extent:

- 1.
- 2.
- 3.

Practice location (stand or portion of stand):

Season to complete practice:

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*Complete the following as applicable*

Seedling spacing:

Site preparation:

Seeding mixture:

Nutrients / lime:

Protective measures:

Stocking before \_\_\_\_\_ Desired Stocking after treatment: \_\_\_\_\_

Species / quality to favor:

Species / quality to remove:

Crop trees to favor (#s, species):

Structures or components to install (attach available diagrams )

Treatment description / method:

Maintenance Needs:

Other remarks:

Prepared by name/phone \_\_\_\_\_

Email: \_\_\_\_\_



**SAMPLE**  
**Generic FLEP Practice Plan**

Date 10/2/03

Landowner Bill Williams

FLEP practice #3 Forest Stand Improvement

Practice objective Create healthy, fast growing, economically valuable stand of hardwood trees for future sawtimber and veneer harvest

Practice description Kill defective, crooked or damaged trees, smaller diameter trees of all species and low value species such as beech. Trees to be killed will be marked with paint by a forester. Designation of trees for cutting will be based upon an inventory and silvicultural analysis of the current composition of the stand (density, species, size, quality) and recommended composition suggested from the Northern Hardwood stocking guide for Even aged management

Practice components Prescription and tree designation Extent 15 acres  
Thinning 15 acres

Practice location (stand or portion of stand) Stand # 5 south central portion of property. See attached map

Season to complete practice November to March

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*Complete the following as applicable*

Stocking before Overstocked (120 sq. ft. BA)

Desired Stocking after treatment Anticipate thinning to the "B-line" at approximately 80 sq ft BA of acceptable growing stock, but precise residual stocking will be determined from stand inventory, silvicultural analysis, and prescription

Species / quality to favor H. Maple, B. Cherry, Basswood - 10" dbh and larger that are straight and free from visible defect or damage

Species / quality to remove Beech, ironwood, red maple - trees less than 10" dbh or others if defective

Treatment description / method Cut all trees down with chain saw, marked with a spot of paint. Marking of trees to be completed by forester

Maintenance Let stand grow after thinning for ten years at which time reinspect with forester

Other remarks Leave large sugar maple trees along old stone wall on eastern side of stand To provide den trees for cavity nesting birds and small mammals

Prepared by Mike Cherry, Forester Telephone 555 BR-549  
Email: [mikecherry@yahoo.msn.aol.com](mailto:mikecherry@yahoo.msn.aol.com)

**Appendix 4**

***FLEP Landowner Daily Work Log***

### FLEP Landowner Daily Work Log

Landowner Name:		For transaction #:				
Hours tallied = # of people working in a category times the # of hours they worked in that category.. e.g.: 2 chain sawyers X 4 hrs = 8 hours tallied for that day in Chainsaw Hours.						
Date:	# of Persons	Total hours for day tallied by category:				Total Hours
		Labor	Chainsaw	Tractor	Hvy. Equipment	
<b>TOTAL HOURS</b>						
Std. Cost Per Hour <sup>2</sup>		\$ 10.00	\$ 13.00	\$ 18.00	\$ 68.00	
<b>TOTAL COST BASIS</b>						
I affirm that the above accounting is true and accurate:					Date:	
Landowner Signature:						

<sup>2</sup> Values provided are maximum allowable for in-kind services based on information from state and national agricultural statistics services.