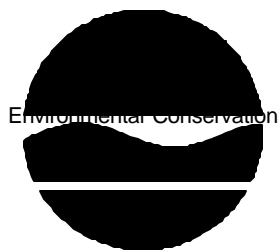


New York  
State Priority Plan  
for the implementation of the  
Forest Land Enhancement Program

Prepared by the New York State Forester and the NY State Forest Stewardship  
Coordinating Committee

June 20, 2003



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9/12/02

**New York**  
**State Priority Plan**

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**New York State Priority Plan for the Implementation of the  
Forest Land Enhancement Program                      June 20, 2003**

**State priority plan – purpose and scope**

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).

The State Priority Plan (Plan) establishes procedures and rules for the implementation of the Forest Land Enhancement Program (Program) by the NYS Department of Environmental Conservation (DEC) to promote sustainable forest management practices on nonindustrial private forest land.

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. Management activities and practices funded under this program shall provide multiple resource benefits. FLEP will augment the service, education and financial assistance available under other programs.

The *Strategic Direction for Landowner Assistance in New York* (incorporated by reference) identifies strategic priorities to protect, enhance and perpetuate forest resources. FLEP's educational, technical and financial assistance components support and complement efforts to achieve goals including sustaining a productive land base, improving management of private forest land and raising awareness.

A goal of *New York's Forest Stewardship Plan* (incorporated by reference) is to influence landowner behavior in regard to land use, promoting their practice of good stewardship. FLEP complements this goal. Promoting wise forest stewardship encourages sustainable forestry practices.

The public was provided opportunity to make comment to the State Priority Plan. The draft Plan was made available on the Department of Environmental Conservation's web site. Pertinent, substantive comment was considered by the State Forester and State Forest Stewardship Coordinating Committee in development of the Plan. The broad based constituency of the SFSCC provided opportunity for committee members to contribute a wide range of views and positions, representative of their organization's membership, in the development of the SPP.

Amendments to the Program will be made, with input from the State Forest Stewardship Coordinating Committee (Committee or SSCC), as needs, conditions and opportunities warrant. The Plan and any subsequent substantive amendments will be submitted to the US Forest Service Responsible Official for review and concurrence to insure conformity with federal statute and program rules.

## **Roles and responsibilities**

USDA Forest Service (USDA-FS): The FS will

1. provide general program oversight
2. Distribute funding to states
3. Be guided by the rules to distribute funds.
4. In consultation may develop priorities and practices in addition to national priorities of tree planting, forest stand maintenance and improvement
5. Review State Priority Plans and provide concurrence
6. Enter into agreements with other USDA agencies as appropriate
7. Distribute funds with no required match, in one payment of the total amount annually upon concurrence of the Responsible Official of the State Priority Plan.
8. Retain final authority to resolve issues which may arise in connection with Program administration.

NYS Department of Environmental Conservation (DEC) - The State Forester will:

1. Develop a State Priority Plan, in cooperation with the SFSCC, to establish program priorities, policies and procedures
2. Document SFSCC program involvement
3. Oversee administration of FLEP funding
4. Monitor program progress
5. Report accomplishments to USDA-FS
6. Designate Service Representatives and their duties and authorities.

State Forest Stewardship Coordinating Committee (SFSCC or Committee) will:

1. In cooperation with State Forester assist in development of State Priority Plan for implementation of Forest Land Enhancement Program.

FLEP Cost Share Administrator (to be determined) - Such administrator shall:

1. Administer cost share disbursement activities including obligation of funds to approved projects, payment of cost shares to landowners, maintenance of financial records and accomplishments according to procedures established by Program rules and/or Responsible Official of the USFS.

## **Forest resources, baseline data**

New York's forest resource is impressive, 18 million acres of forest land, 13,383,000 owned by nearly 490,600 private nonindustrial landowners. Its forest industry generates 4 billion dollars and upstate tourism 9 billion. There are 70,000 miles of streams and rivers and 3.4 million acres of lakes and ponds. It supports 837 vertebrate species, 200 of which are rare. Unique habitats support over 600 rare plant species. Nearly 19 million state residents have come to rely upon or appreciate the benefits that the state's forest lands provide supporting their quality of life. Additional data on the state's forest resources is contained in Forest Statistics for New York: 1993, authored by the FIA Unit, USDA Forest Service, Radnor, PA. (incorporated by reference).

DEC is authorized to provide cooperative forest management services to forest landowners by Sections 9-0701 & 9-0713 of Title 7, Article 9 of the Environmental Conservation Law (ECL). FLEP complements the delivery of services to NIPF landowners authorized by the ECL. Currently DEC has 17 Full Time Equivalent (FTE) staff positions available to private forestry programs.

Substantial accomplishment has been met in preparation of action oriented Landowner Forest Stewardship Plans, that identify activities to meet ownership objectives, many of which are eligible FLEP for cost share assistance. Planning accomplishments under the Forest Stewardship Program include providing management recommendations for 12,820 owners of 1,433,600 acres since 1990. FLEP cost share assistance provides a critical incentive to owners in implementation of recommended forest management activities. More recent Forest Stewardship planning accomplishments include:

2002	665 plans	69,182 acres
2001	668 plans	80,198 acres
2000	833 plans	83,875 acres
1999	870 plans	97,236 acres
1998	833 plans	86,062 acres

### **Opportunities for addressing State forest resource concerns, issues, problems, and threats**

Forest lands influence the quality of life for all citizens while making significant contributions to the economy. There are 13.3 million acres of forest owned by nearly 490,600 non industrial private owners in New York. The demand for goods and services provided by forests has grown and will continue to expand as the public looks to NIPF land for timber resources, clean water, clean air, fish and wildlife habitat, recreation and aesthetic values. The availability of timber resources available from private lands, critical to the well being of forest industry, has become increasingly important as harvesting on federal lands has diminished. There is opportunity to have a positive impact upon a significant portion of privately owned lands, promoting sustainable resource management activities.

Private forest lands face many challenges that can impact the continuation of a productive forest land base. Landowners lack access to objective technical assistance and are ill informed of their options. Conversion, fragmentation and parcelization may result as owners are pressured by the economics associated with land ownership. Insects, disease, wildfire and weather events threaten the existence, health and productivity of forest lands. Poor management practices threaten water quality, recreational opportunities, wildlife habitat, plant communities and timber stand quality.

NIPF landowners require assistance to adequately deal with the pressures and impacts that threaten resource sustainability. Landowners are receptive to program delivery systems including service forestry, educational and outreach programs, and financial assistance. Costs associated with land ownership, lack of technical knowledge to implement wise management actions and a lack of knowledge about forest management all contribute to problems of maintaining a productive forest land base. Landowners unaware of opportunities for assistance take actions that threaten continued existence of the forest land base. Parcels may be sold, converted and fragmented eliminating or restricting forestry as a land management option. Timber resources are harvested in a non-sustainable manner seriously jeopardizing future productivity and landowner income to support long term sound management. Forest industries lose the opportunity to rely upon the NIPF land base to supply raw materials vital to business and economic stability. Water resources that originate on forest lands, important for drinking water and habitat can be adversely impacted.

Financial, technical and educational assistance have been shown to be effective methods to elicit wise landowner action consistent with sustainable forestry practices. Thus management

practices that contribute to the public good can be encouraged by providing all three types of assistance.

Landowners will be better prepared to make decisions that benefit the resources under their immediate control. Decisions that have financial implications that affect their ability to maintain or enhance resources are important in sustaining forest land. Identification of management strategies to meet landowner objectives is a role that technical assistance fills.

Financial support for practice implementation is critical. It insures that desired outcomes are secured by lowering the financial barrier encountered by many NIPF landowners. Experience has shown, in other incentive based programs, that investment of public funds in incentive based natural resource programs, leverages significant amounts of private sector monies for management activities.

Education and outreach efforts help owners to understand and appreciate actions that facilitate management of forest resources in a sustainable manner. Reaching out to NIPF landowners enables them to be aware of options and opportunities for assistance. They then can take the next step of using the technical and financial assistance available.

### **Program objectives - environmental, economic, and social values and public benefits**

The federal program objectives are to invest in practices to establish, restore, protect, manage, maintain and enhance the health and productivity of NIPF lands in the United States for timber, habitat for flora and fauna, soil, water, air quality, wetlands and riparian buffers. New York's objectives are in accordance with federal objectives.

Improved health and productivity of private forest lands will enhance timber and non-timber resources to meet public demand. The risks of insects, diseases, wild fires, invasive species and damaging weather events will be minimized and mitigated. Availability of wood products will be enhanced through afforestation, reforestation and improvement of poorly stocked stands. The productivity of the land will be protected through activities which limit degradation of soils, riparian areas and wetlands. Public benefit will occur through enhanced levels and quality of goods and services available from NIPF lands.

### **State Program Administration**

The State Priority Plan (SPP) is developed jointly by the State Forester and the State Forest Stewardship Committee. It establishes Program priorities, policies and procedures. The State Forester shall implement and administer the Program consistent with the SPP.

The State Priority Plan will help serve as a basis for Program efforts that encourage long term management of non-industrial private forest land in New York State, providing landowner and public benefits. Program efforts will complement Forest Stewardship and Cooperative Forest Management programs. Coordinated and cooperative Federal, State and local efforts will encourage the establishment, management, maintenance, enhancement and restoration of forests on non industrial private land improving the productivity of timber, fish, wildlife, soil, water, wetlands, recreational opportunities and aesthetic resources.

Resources will be targeted to achieve the objectives of the federal program by providing technical assistance, education opportunities and financial assistance for landowners participating in the Program.

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, shall be considered as 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, determine if such practices have been satisfactorily installed per Program standards and other duties as directed by the State Forester required for the administration and implementation of the Program.

Private sector foresters, including Cooperating Foresters and other consulting and industrial 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; and other duties as may be authorized by the State Forester necessary for the implementation of the Program.

The SPP will become effective October 1, 2002, contingent upon receipt of Program funding to the State, and continue through FY 2007.

### **Complementing other USDA, public and private sector forestry assistance programs**

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.

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 implement forestry practices strongly emphasizing water quality protection. DEC cooperates in this effort providing assistance related to this New York City financed, watershed based, landowner incentive program. Continuation of the program is encouraged with competitively funded practices. FLEP will not serve as a substitute for technical and financial assistance offered under this program.

FLEP cost share assistance will be used to complement the state's Cooperative Forest Management program providing cost share assistance for implementation of sustainable forestry actions. FLEP efforts will complement and not replace other forms of assistance and focused to provide assistance that enhances the extent of management actions on forest lands. FLEP assistance will be targeted to those landowners and needs that do not otherwise qualify or are eligible for support from 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.

### **Proposed distribution of funds for Program components**

Technical Assistance - Technical assistance will be provided through NYS DEC. Approximately 2 FTEs of staff resources will be necessary to provide technical assistance. Approximately 20% of anticipated funding will be used to support technical assistance activities of foresters under the direction of DEC who will function as Service Representatives responsible for, and

authorized to review, and approve landowner management plans, determine need and feasibility of practices, review cost share applications and authorize cost share payments to landowners for completed practices. Foresters working for or under the direction of DEC; will meet with forest owners to provide forest management recommendations, assist in the preparation of Landowner Forest Stewardship Plans, provide FLEP practice recommendations and advise of the availability of educational and cost share assistance under FLEP.

Education - The State Extension Forester is designated by the Conservation State Research Education and Extension Service (CSREES) to direct forestry educational programs within the land grant cooperative extension system. Involvement by the State Extension Forester will provide opportunity to conduct outreach and education to landowners, enhancing understanding of sustainable forest management and opportunities for technical and financial assistance through FLEP. Outreach and training to public and private sector foresters will better prepare them to respond to requests for technical assistance and enable them to assist landowners in accessing cost share assistance. A determinant amount of funding necessary to accomplish educational goals will be directed to this effort. It is anticipated that approximately 10% of expected Program funding will be used for these purposes.

Financial Assistance - Financial assistance will enable forest landowners to implement forest and related land management practices that help meet landowner goals identified through comprehensive management planning. Economic constraints affecting landowner implementation of forestry actions, will be reduced by making cost share assistance available. Increased implementation of wise forestry practices on the ground will result. Approximately 60% of anticipated funding, will be devoted to cost share.

Administration - A partner organization will provide administration of cost share disbursement and financial and accomplishment accounting. Approximately 10% of anticipated funding is expected to be necessary to accomplish this task.

### **Technical assistance - who will provide, outreach efforts, outcomes & accomplishments.**

DEC service foresters and foresters under immediate DEC direction will provide technical assistance to participating landowners to encourage sustainable forest management actions and to access financial assistance to implement FLEP practices. Private sector Cooperating Foresters and natural resource management professionals designated by the State Forester as Service Representatives, will also provide assistance to landowners. A desired result of efforts is that all requests for Program assistance will be responded to. Increasing number of acres of NIPF lands will be managed in a sustainable manner.

### **Educational assistance - activities, participating entities, expected outcomes and accomplishments.**

An education effort will provide a link for increasing forest owner awareness of opportunities to implement forestry practices utilizing available technical and financial assistance. Efforts of the State Extension Forester's office will enhance landowner understanding of the focus of FLEP and associated opportunities for technical and financial assistance. Increased numbers of forest owners will request assistance in the preparation of Landowner Forest Stewardship plans. Landowners will implement increased numbers of sustainable forest management actions on increasing acres of land. Public appreciation for sustainable forest management will be enhanced.

Foresters and other natural resource management professionals will be prepared to respond to increased requests for technical assistance and be informed about the process to access cost share funding for private forest owners. Increased awareness will result in practicing field foresters having the knowledge to help landowners utilize FLEP in an effective manner to achieve ownership objectives and providing public benefit. The majority of public and private sector foresters in New York, who work with forest landowners, will have participated in training.

### **Financial assistance - available to participating landowners**

The majority of funds provided will be used for cost-sharing of FLEP practices to encourage the implementation of recommendations in Landowner Forest Stewardship Plans. The intent is to increase installation of practices that contribute to sustainable forest management. DEC Service Representatives will determine feasibility of practices and certify satisfactory installation.

FLEP cost share will be obligated, to the extent that funding is adequate to meet requests. 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 technical assistance providers 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. FLEP practice descriptions will include authorized activities, cost share rates, non-authorized activities and standards for implementation.

### **Management plan requirements**

All applicants must have a Landowner Forest Stewardship Plan (LFSP) in place for the tract on which FLEP financial assistance is requested except for FLEP 1. The approved Landowner Forest Stewardship Plan format is that adopted by the State Forester, with concurrence of the SFSCC, dated October 2000. LFSP's represent an important base upon which sustainable forest management practices will be encouraged. These documents represent a blueprint to forest landowners enabling them to make informed decisions on the management and use of lands under their immediate control.

### **Aggregate payment limitation**

No landowner program participant may receive more than \$5,000 annually or \$25,000 in total through 2007 in FLEP cost share payments. Establishment of maximum limits of cost share available to individual participants will help to insure the availability of assistance to a significant number of landowners across the state.

### **Eligible cost share FLEP Practices**

National program authorization provide a range of practice opportunities. Practice descriptions in the SPP, further refine at the state level, those practices and components determined to be necessary based on needs, opportunities and program resources, to encourage sustainable forest management in New York. Emphasis is on those practices that have been determined to present significant opportunities to support sustainable forestry practice and are in greatest demand, based upon historical experience under the Stewardship Incentives and Forestry Incentives Programs. Anticipated accomplishments directly attributable to efforts under FLEP

have been projected for each practice. Outcomes of other federal, state and local programs, including the New York City Watershed Program, Forest Stewardship, Forest Resource Management, Conservation Reserve, Wildlife Habitat Incentive and USF&WS Landowner Incentive programs complement accomplishments attained with FLEP support, contributing to sustainable forest management across the landscape.

- FLEP 1 Forest Stewardship Plans - Development or revision of a forest stewardship plan, or upgrading of an existing management plan to meet Forest Stewardship plan standards. This is a high priority practice and will be a significant catalyst for implementation of sustainable forestry practices. A Landowner Forest Stewardship Plan serves as a basis for owners to make wise decisions that support sustainable forestry practices. Private sector foresters are available to prepare plans under this practice. Anticipated outcome, 10,000 acres of Landowner Forest Stewardship Plans will be prepared or revised annually to guide sustainable forest management activities on NIPF lands.
- FLEP 2 Afforestation/Reforestation - Site preparation, planting, seeding, or other practices to ensure forest establishment through tree planting, natural and artificial seeding. Tree planting under FLEP will complement opportunities available or may become available under other programs that provide assistance for tree planting, including Conservation Reserve, Conservation Reserve Enhancement, Environmental Quality Incentives and Wildlife Habitat Improvement programs. This is a medium priority practice. Anticipated annual outcome, 200 acres of trees will be planted or regeneration established to produce forest crops and stabilize soils.
- FLEP 3 Forest Stand Improvement - Practices to enhance growth and quality of wood fiber. Demand and opportunity is strong for this activity and it is considered a high priority practice. Proper cutting practices are critical in maintaining productive, healthy forest stands. Anticipated annual outcome, 800 acres of forest improved to increase growth and vigor.
- FLEP 4 Agroforestry - Establishment, maintenance, and renovation of windbreaks, or other practices using trees and shrubs in conjunction with agricultural land use, including practices for energy conservation, special forest products and carbon sequestration. This practice will not be offered in New York at this time, based upon limited opportunity to contribute to sustainable forest management. Anticipated annual outcome, 0 acres of agroforestry practices installed.
- FLEP 5-Water Quality Improvement and Watershed Protection - Establishment, maintenance, renovation and/or restoration practices including any necessary forest road design and layout and best management practices to improve and protect water quality, riparian areas and/or forest wetlands and watersheds. FLEP will complement and fill in gaps not met by other federal, state or local assistance programs that address water quality. Emphasis will be on proper installation of forest land management activities such as access corridor establishment and water crossing engineering to protect the quality of water originating on forest lands. A secondary emphasis will provide practical solutions to existing water quality problems situated on forest and related lands, complementing other sources of federal, state and local assistance. This is a high priority practice. Anticipated outcome, annually 50 acres of riparian buffer will be established or critical areas stabilized to provide protection to an estimated 5000 acres of watershed. Ten miles of forest access corridors will be properly planned to incorporate forestry Best Management Practices (BMPs) mitigating impacts on water quality on an estimated 7500 acres of watershed. An estimated 5000 feet of streambanks will be vegetated to restrict erosion.

- FLEP 6 Fish and Wildlife Habitat - Establishment, maintenance, and restoration practices to create, protect, or improve fish and wildlife habitat, including any necessary design and engineering. FLEP will focus on enhancement of woodland wildlife and protection of woodland streams supporting fisheries resources. This is a medium priority practice. Anticipated outcome, 200 acres of forest habitat will be improved or created annually for game and non game species of native wildlife and fish.
- FLEP 7 Forest Health and Protection - Establishment of practices to protect, improve or restore forest health. Emphasis will be on protection, improvement and restorative actions in response to damaging agents as well as preventative actions such as thinning to reduce stand susceptibility to anticipated pests or damaging wildlife. This is a medium priority practice. Anticipated annual outcome, 250 acres of forests will be improved to mitigate the impacts of forest insects, diseases and damaging wildlife.
- FLEP 8 Invasive Species Control - Establishment, maintenance and restoration practices that contribute to the eradication or control of the spread of invasive species. Emphasis will be placed on control of invasive species that inhabit forested environs that interfere with achievement of management goals or threaten the survival of native species or forest plant communities. This is a medium priority practice. Anticipated outcome, annually invasive species will be controlled or eradicated from 200 acres of forest land to permit landowners to meet management objectives including forest establishment, stand improvement, forest wildlife habitat enhancement or perpetuation of desirable native forest plant species or community.
- FLEP 9 Fire and Catastrophic Risk Reduction - Establishment of practices primarily to reduce the risk from wildfire and other catastrophic natural events. This is a low priority practice and will not be offered in New York due to limited need and opportunity to contribute to sustainable forest management. Fire events in New York are seldom significant in comparison to other areas of the nation and acceptable methods of risk reduction generally practiced have minimal positive effect in northern forests common to the state. Anticipated outcome, 0 acres of risk reduction under FLEP.
- FLEP 10 Fire and Catastrophic Event Rehabilitation - Establishment of practices to restore forests and control soil erosion following wildfire and other catastrophic natural events. Insect and disease outbreaks are not considered as catastrophic for purposes of this practice. The frequent use of this practice is not anticipated. There may be rare instances in which the availability of this practice will address a localized need. This a low priority practice. Anticipated outcome, 75 acres of stand rehabilitation and soil stabilization.
- FLEP 11 Special Practices - 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. No special practices are being recommended at this time for New York. Anticipated outcome, 0 acres of special practice installation.

### **Cost share rates and distribution**

FLEP practice component descriptions and cost share rates will be established by the State Forester with advice and recommendation from a sub-committee of the SFSCC. Cost share rates shall not exceed 75%. Cost shares paid shall not exceed 75% of the actual costs incurred by the participating landowner not to exceed maximum cost share established by the State

Forester based on expected costs for individual practice components. Differing cost share rates will be used to emphasize practice and component priorities.

Available funding for FLEP cost share assistance will be allocated to DEC administrative regions in the state, based upon potential opportunity identified by numbers of NIPF owners and acres of land. Accomplishments demonstrating installation of sustainable forestry practices, will also be considered in the allocation of available funds for cost share assistance. The State Forester will insure that adequate resources are available to administer the FLEP cost share element within a geographic region, when determining allocations of available funds to DEC geographic regions.

DEC Regional Foresters will identify local priority needs on a sub regional basis, with an appropriate level of funds held for use in these areas. Such identification of needs will be documented by the Regional Forester considering numbers of NIPF landowners and acreage, demonstrated opportunities and identified needs in specific forest regions, priority watersheds and 'communities', availability of other federal, state and local financial assistance programs that address similar landowner needs and resources to administer the FLEP cost share program.

Landowners wishing to participate will be serviced on a first come basis within their geographic region in which funds have been allocated based upon the aforementioned parameters that will be employed by DEC to distribute available funds. Owners of tracts with Forest Legacy easements in place, requesting FLEP assistance, will be given priority in the distribution of available funding for practices identified as priority, if subscription rates exceed available funding. These lands will not be subject to conversion, by virtue of easements that have been acquired that are contrary to such action. Installed FLEP practices are protected from voluntary destruction through conversion to a non-forestry use on this ownership class.

### **Application procedure**

1. Application - Eligible landowners shall make application upon an application/transaction form provided by DEC. Minimum information required shall include:
  - a. Name
  - b. Address
  - c. Telephone
  - d. SSN or Federal ID Number
  - e. Parcel identification - tax parcel reference and town & county
  - f. Practices, components and extent requested and estimated cost share
  - g. Power of Attorney in proper format if selected by participant for a separate person or entity to act on behalf of owner of record in all matters relating to the Program
  - h. Certification of intent to maintain practice for 10 year life span
  - i. Certification to repay cost share if practice is voluntarily destroyed or impaired
  - k. Certification to allow access to practice installation site for duration of practice lifespan to Service Representatives for the purpose of determining maintenance of practice.

Completed applications shall be submitted to the DEC Service Representative at the Regional DEC forestry office having geographical jurisdiction where the tract is located.

2. Approval process - The DEC Service Representative will enter the request into a sequential ledger. The DEC Service Representative shall determine if there is a current approved Forest Stewardship Plan for the tract.

The DEC Service Representative shall determine if the requested practice(s) is (are) eligible (detailed in the LFSP) and feasible 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.

Upon approval of the request for cost share by the DEC Service Representative, the FLEP Cost Share Administrator shall be provided a copy of the approved application / transaction form indicating the amount of FLEP funds to be obligated for the practices. The FLEP Cost Share 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 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 implemented according to Program standards and authorize cost share payment to the FLEP Cost Share Administrator utilizing the application / transaction form.

If sufficient funds are not available to meet an eligible practice request, the DEC Service Representative shall so inform the applicant in writing. The request shall not be cancelled 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.

3. Performance period - Practice approvals and obligation of funds shall not exceed 6 months. Participants may request one extension, not to exceed 6 months. 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 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.

4. 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 Cost Share 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. Those monies for a cancelled request shall become available for obligation to other requests approved by the DEC Service Representative.

5. 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, 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 financial administrator using the application/transaction form as record of such determination. No partial payments are authorized for practice components.

6. Payment - The FLEP Cost Share Administrator shall provide 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.

7. 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 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. 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.

8. 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 item 7 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.

9. Requests for cost share will not be approved unless cost share funds are available. 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.

10. 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.

11. Appeals procedures - Any landowner, successor or assignee who is dissatisfied with any determination made under this Program may request reconsideration by the State Forester and if the matter is still not resolved, by the Responsible Official (see Appendix for definition). 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.

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

1. 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.

2. 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. 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.

3. 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. 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.

4. To be eligible to receive cost-share under the Program, a landowner shall not own less than five (5) contiguous of forest land or land suitable for establishment of forest growth.

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

6. A leaseholder who has a long-term lease 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 leaseholder 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 are adequate to allow the lessee to comply with eligibility requirements and program rules before approving any practice for obligation of funds.

7. Financial assistance will not be paid for the following:
  - a. 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), materials (such as herbicides, tree seedlings, seed, fertilizer, building materials, culvert pipes), specialized forestry tools and implements (such as hand tools, power tools, etc) 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 share for repeating or similar practices on the same treatment 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 Service Representative and outlined in the Landowner Forest Stewardship Plan.
8. 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.
9. Landowners shall not be reimbursed with cost share for actions that:
  - a. lead to the impairment or net loss of wetlands;
  - b. contaminates ground water with chemicals;
  - c. impairs soil productivity;
  - d. destroy or substantially degrade the habitat of rare threatened or endangered species or natural communities of similar rarity or endangerment.
10. 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 for the practices, normally ten years from the date of cost share payment.

### **Cost-share assistance – reporting**

Accomplishments realized through the FLEP cost share assistance shall be reported by the State Forester to the office of the Responsible Official annually using the following standard categories to document extent implemented and funds used:

- FLEP 1 Forest Stewardship Plans
- FLEP 2 Afforestation/Reforestation
- FLEP 3 Forest Stand Improvement
- FLEP 4 Agroforestry
- FLEP 5 Water Quality Improvement and Watershed Protection
- FLEP 6 Fish and Wildlife Habitat
- FLEP 7 Forest Health and Protection
- FLEP 8 Invasive Species Control
- FLEP 9 Fire and Catastrophic Risk Reduction
- FLEP 10 Fire and Catastrophic Event Rehabilitation

## FLEP 11 Special Practices

### Appendix

1. Definitions
2. FLEP Practices, Components and Standards
3. Landowner Forest Stewardship Plan format
4. Educational Assistance Program description

## Definitions

As used in the State Priority Plan, the following terms shall mean:

- 1.) *Capital Investment or Improvement*: Durable equipment or assets capable of being amortized or depreciated over a period of 3 or more years, not including activities or practices carried out as part of the Forest Land Enhancement Program (FLEP) cost-share element.
- 2.) *Catastrophic natural event*: Destructive natural event, which includes, but is not limited to, wildfires, insect infestations, disease outbreaks, droughts, floods, windstorms, freezing, ice storms, hail, sleet, mudslides, landslides, earthquakes, avalanches, tornadoes, volcanoes, hurricanes, or tsunamis.
- 3.) *Chief*: The Chief of the Forest Service.
- 4.) *Committee*: The State Forest Stewardship Coordinating Committee
- 5.) *Concurrence*: Review, verification, and confirmation, by the Responsible Official that the State Priority Plan contains all of the key elements required by law and the rules of this subpart.
- 6.) *Cost-share*: A program payment, on a reimbursable basis, at a maximum of 75 percent of the cost incurred by a landowner for implementation of a State-approved activity or practice authorized under FLEP.
- 7.) *Financial assistance*: Funds disbursed as an award by the Federal Government to an eligible party from the FLEP annual apportionment, in the form of money, including grants, agreements, contracts, and other arrangements.
- 8.) *Fiscal year*: The accounting period, used by the United States Government, from October 1 through September 30.
- 9.) *Landowner*: An individual, group, association, corporation, Indian Tribe, or other legal private entity owning nonindustrial private forest land or a person who receives concurrence from the landowner for practice implementation and who holds a lease on the land for a minimum of 10 years. Corporations whose stocks are publicly traded or owners principally engaged in the primary processing of raw wood products are excluded.
- 10.) *Management plan*: A written plan prepared by a service representative and approved by a State Forester.
- 11.) *Natural resource management professional*: Any person who is recognized by the State Forester as having the knowledge and skills to develop landowner plans for managing the biological, economic, and environmental interrelationship of forest resources and to identify appropriate activities to manage, protect, or enhance forest resources.

12.) *Nonindustrial private forest land*: Rural lands with existing tree cover, or which are suitable for growing trees, that are owned by any landowner as defined in this section.

13.) *Practice*: A prescribed, natural resource management activity that is consistent with a practice plan and implemented through FLEP to enhance the multiple resource values and benefits and that results in improved conditions on nonindustrial private forest land. A practice may consist of multiple components.

14.) *Practice plan*: A plan prepared by a service representative and approved by the State Forester that documents the specific practices that are to occur as a result of a landowner application for cost- share. A practice plan may be a stand-alone document or it may be a part of a management plan.

15.) *Responsible Official*: USDA Forest Service Regional Forester, Area Director, or Institute Director charged with the administration of FLEP.

16.) *Service representative*: Any person who is recognized by a State Forester as having the knowledge and skills to develop management plans, understanding of the economic and environmental interrelationships of forestry and/or agroforestry resources, and the ability to identify appropriate activities to manage, protect, or enhance such resources. The State Forester designates service representatives as the line officers to perform specified FLEP elements.

17.) *State*. Includes each of the States in the United States, and the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

18.) *State Forester*: The director or other head of a State Forestry Agency or equivalent State official.

19.) *State priority plan*: The document required from a State to participate in FLEP. A State Forester jointly prepares this plan with the State Forest Stewardship Coordinating Committee to facilitate long- term sustainability of nonindustrial private forest lands within the State.

# New York FLEP Practices

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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	\$ 250 /plan
Plus 5 to 50 acres	\$ 9 /acre
51 to 100 acres	\$ 7 /acre
101 to 500 acres	\$ 5 /acre
500 plus acres	\$ 4 /acre
Revised or updated Plan	\$ 100 /plan
Plus 5 to 50 acres	\$ 4 /acre
51 to 100 acres	\$ 3 /acre
101 to 500 acres	\$ 2 /acre
500 plus acres	\$ 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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## 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)	\$ 175 /acre
Hardwood tree planting (seedlings and planting)	\$ 200 /acre
Site preparation for tree planting	\$ 75 /acre
Site preparation for natural seeding	\$ 150 /acre
Tree Shelters	\$ 150 /acre
Weed barriers	\$ 50 /acre
Fencing	\$ 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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### 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	\$ 18 /acre
Cull tree and/or grapevine removal and weeding	\$ 45 /acre
Thinning Light (10 to 20 sq. ft. BA, 400 to 600 dia. in.)	\$ 60 /acre
Medium (21 to 40 sq. ft. BA, 601 to 1000 dia, in.)	\$ 90 /acre
Heavy (41 plus sq. ft. BA, 1001+ dia. in.)	\$110 /acre
Crop Tree Release 30 to 60 crop trees / acre	\$ 60 /acre
61 + crop trees / acre	\$ 90 /acre
Tree designation for commercial stand improvement	\$ 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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**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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## 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	\$ 0.08 /lineal foot
Best Management Practice component installation (water bars broad based dips, water deflectors, culvert installation)	\$ 50 /each
Culverts 18" dia.	\$ 11 /lineal foot
24" dia.	\$ 16 /lineal foot
Forest Riparian buffer establishment	\$ 200 /acre
Vegetative stabilization of forest stream banks	\$ 0.40 /lineal foot
Critical area seeding	\$ 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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## 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)	\$ 45 /acre
Designation of trees for wildlife crop tree release	\$ 10 /acre
Wild fruit tree release and pruning	\$ 15 /tree
Artificial cavity or nest box installation	\$ 10 /each
Artificial hibernaculum installation	\$ 25 /each
Creation of forest openings for wildlife	\$ 200 /acre
Establishment of wildlife seeding in forest opening	\$ 75 /acre
Establishment of stream side vegetation on forest land	\$0.25 / lineal foot
Seep expansion/enhancement	\$ 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 forb 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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**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	\$ 18 /acre
Thinning Light (10 to 20 sq. ft. BA)	\$ 60 /acre
Medium (21 to 40 sq. ft. BA)	\$ 90 /acre
Heavy (41 plus sq. ft. BA)	\$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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**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                   \$ 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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**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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**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)	\$ 65 /acre
Stabilization of burned area (critical area planting)	\$ 65 /acre
Tree designation for stand improvement/rehabilitation	\$ 12 /acre
Thinning Light (10 to 20 sq. ft. BA)	\$ 40 /acre
Medium (21 to 40 sq. ft. BA)	\$ 60 /acre
Heavy (41 plus sq. ft. BA)	\$ 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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**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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## **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 (seed, fertilizer, construction materials, seedlings, etc), specifications for implementation ( IE 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 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), specialized forestry tools and implements (such as hand tools, power tools, etc) 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 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.

6/23/03

## LANDOWNER FOREST STEWARDSHIP PLAN (LFSP)

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 featuresNatural Heritage Program data are 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 maps and descriptions from published county soil surveys, if available, are useful.
56. **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 form)
    - species composition
    - size class
    - relative stocking density ( under, well or over stocked )
    - site quality ( poor, good, excellent )
    - timber quality (poor, good, excellent)
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 boring 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.

## **EDUCATIONAL PROGRAM**

### *Forest Land Enhancement Program*

*Peter Smallidge, NY State Extension Forester*

#### **Introduction, Background, and Scope:**

*FLEP, the Forest Land Enhancement Program, is a program for private forest landowners mandated within the 2002 Farm Bill. In each state, the State Forester and State Forest Stewardship Coordinating Committee will jointly develop a state priority plan that is intended to promote forest management objectives and describe FLEP in their state. The state priority plan will identify educational activities and their outcome, describe the technical assistance to be provided and its outcomes, and describe the cost-share components that will be available to NIPF landowners and the public values of these practices.*

*The FLEP Educational Program, described here, provides a critical link from awareness of opportunities to implementation of approved activities supporting the value of forest resources through technical assistance and cost-share programs. The educational program focuses on awareness and the process to access program elements. The educational program provides minimal effort towards technical competency. Technical competency for various FLEP related subject matter will develop through parallel but independent continuing educational efforts for foresters and other natural resource professionals. The FLEP education program director and coordinator will work with other educators to develop learning opportunities.*

#### **Educational Program Objective(s) and Outcomes:**

- 1. Help landowners understand the management focus of FLEP and the associated opportunities for technical and cost-share assistance. In addition to the NYS baseline stewardship accomplishments, annual outcomes of the education program will include: 2500 requests for assistance – including requests for 500 stewardship plans covering 25,000 acres; and an additional 10,000 acres reached through cost-share for properties having an approved plan. Both public and private sector foresters will help deliver on these goals. Annual targets represent an increase of approximately 50% more plans and 25% more acres than documented in the USFS Stewardship Report for FY 2000.*
- 2. Prepare public and private sector foresters to respond to increased requests for technical assistance and the state/federal process to access cost-share funding for private forest landowners. Provide a direct link between technical assistance and education program providers. The outcome of increased forester awareness is that 90% of practicing field foresters will know how to help landowners utilize FLEP and the process to access cost-share funds.*

*C An unintended though positive outcome of the education program is the probable increase of awareness among county, state, and federal elected officials on the effects of management for enhanced forest lands and the benefits of FLEP to NY citizens. Elected officials don't represent a target audience per se, but education program activities will result in their increased understanding of FLEP and services that rural lands, private forest landowners and foresters provide to NY citizens more broadly.*

#### **Partnership Arrangements and Program Administration:**

*Cornell University and Cornell Cooperative Extension through the State Extension Forester will provide programmatic oversight and management of all program activities. Cornell Cooperative Extension staff and faculty from the CU Department of Natural Resources will conduct most of the activities. The New*

York Forest Owners Association will work with CU/CCE to implement activities that occur frequently and broadly throughout the state. NYFOA has agreed to hold subcontracts through CU. NYFOA has demonstrated the ability to deliver high quality products in a timely and professional manner.

Two groups will provide direct input on the development of the educational program. First, on regular intervals, the education program director and coordinator will meet with DEC bureau and division leadership to report on progress and status of program elements. Second, a group that is being developed through CU DNR to advise on forest stewardship educational programs of the Renewable Resources Extension Act (RREA) will be used to react to FLEP educational program elements. FLEP and RREA programs will address similar audiences with complementary messages.

#### *Linking Education and Technical Assistance – partnership enhancement*

An increase in educational programming through FLEP will certainly result in an increase in demand by private forest owners to receive unbiased technical assistance. Further, using the professionals who provide technical assistance as part of the educational program helps forest owners connect to field staff who will work them on their forest enhancement projects. Thus, two full-time forester positions are included in this proposal. These positions will be filled through Cornell University hiring protocols, but will be located at and work through regional DEC field offices.

The positions will be officially supervised by the Extension Forester at Cornell University, but daily oversight and personnel management will be handled locally and through the Bureau of Private Land Services Chief (or designee) at DEC Division of Lands and Forests. The position will service private forest landowners through technical assistance, oversight in the administration of 2002 Farm Bill federal cost-share programs, and support of educational programs. The positions are not intended to provide regulatory functions. The positions will report to the Bureau Chief and Extension Forester quarterly on tasks completed and the status of on-going projects. As necessary the position will provide accomplishment reports and formal reporting in conformance with the Forest Service semiannual work program reports and college documentation of program impacts.

DEC will provide office space in an appropriate location of their choosing, and access to all necessary vehicles, supplies, necessary training, electronic technology (e.g., email) and equipment for satisfactory completion of the project. DEC will designate a person or persons to serve on the search committee tasked with filling the position. DEC will provide significant input into reviews of the annual accomplishments of the project, as carried out by the FLEP tech/ed foresters. DEC will also designate a DEC employee at the appointee's work location to participate directly in the day-to-day supervision of the appointee. The Extension Forester and Private Land Services Bureau Chief of DEC, or designee, will review annual project plans of work, with emphasis on DEC concurrence given their investment in and responsibility for the project. Ensuring the safe and appropriate daily activities of the position is the responsibility of the on-site DEC supervisor.

#### **Summary of Educational Activities:**

A variety of activities will focus on delivery of educational program objectives and audiences. Objectives are presented above as measurable outcomes that facilitate evaluations for success and adjustment of strategy if necessary.

**Table 1. Summary of educational program activities, frequency of delivery, and the audience served.**

Activity	Frequency	Landowner Objectives	Forester Objectives	Other Audiences
1. Press Release	3/year	X	X	X
2. Master Forest Owner regional refreshers	4/year	X	X	X
3. Mass mailing of audience-specific FLEP brochure	1/year	X	X	
4. Woodswalks in key educational regions	4/year	X		X
5. Instructional webpage – Examples of FLEP practices in NY		X	X	
6. Instructions and updates for FLEP implementation	2/year		X	
7. Conference presentations and poster	4/year	X	X	
8. Township presentations (by NYFOA and MFO volunteers)	~25/year	X		X
TOTAL	40+/yr	7 of 8	6 of 8	4 of 8

Educational program activities represent a range of intensities from low-intensity messages that focus on increasing awareness among large numbers of clientele to more in-depth messages to help clientele change behaviors. The educational program is intended to take place for the duration of the 2002 Farm Bill and FLEP, though specific activities will change annually with need and resources.

A description of proposed activities listed in Table 1 is provided below. Each activity contributes to the objective for one or more audiences.

**Description of Educational Activities (From Table 1):**

- 1. Press Release:** A statewide database of media outlets (e.g., daily and weekly newspapers, radio, newsletters) will be compiled. Press releases related to FLEP and its implementation will be prepared and mailed three times per year. Foresters and state elected officials will also receive a copy of each press release. Press release content will be adjusted based on input from DEC, USFS, and the FEAC. Coordinated by the project manager.
- 2. Master Forest Owner regional refreshers and fall training:** Develop and deliver regional MFO volunteer refreshers to highlight FLEP activities, make volunteers aware of resources and natural resource professionals (e.g., foresters) available to assist private forest landowners, and showcase successful FLEP practices. One refresher per year will be delivered in each of 3 regions (western, central, eastern). The annual fall training will include significant coverage of FLEP concepts and information on access to be shared by the volunteers. Coordinated by the director of MFO program.
- 3. Mass mailing of audience-specific FLEP brochure:** Develop a brochure that describes the values and opportunities from the perspective of each target audience. Landowner audiences will be drawn from the state's Real Property Tax database, updated annually, with bulk mailings to approximately 10,000 landowners each year and an additional 20,000 brochures distributed through DEC, CCE, MFO and other agency and partner offices. Forester-specific brochures will be mailed to NYSAF and DEC Cooperating Forester Lists. An additional 2000 landowner brochures will be mailed by NYFOA for their use in outreach. All brochures will be available on the NY FLEP website. Coordinated by the project manager and subcontract to NYFOA.
- 4. Woodswalks in key regions:** Through NYFOA chapters and MFO volunteers work with FLEP cost-share recipients, provide 4 woodswalks per year in counties that are important to highlight the

successes of FLEP. Coordinated by subcontract with NYFOA.

5. **Instructional webpage – Examples of FLEP practices in NY:** Develop a FLEP webpage with the primary purpose of illustrating examples of successfully implemented practices and providing links to DEC and USFS informational webpages. Use the webpage as a repository for downloadable copies of the brochures, press releases, etc. Coordinated by the project manager.
6. **Instructions and updates for FLEP implementation:** Provide foresters with biannual updates on the FLEP program through mail and conference interactions. The intent is to keep foresters aware of FLEP and strategies for utilizing FLEP. Coordinated by the project manager.
7. **Conference presentations and poster:** Provide a presence for FLEP at conferences and public gatherings that attract members of the target audiences. Give presentations on NYS FLEP successes when possible; otherwise provide staffing with a poster highlighting the implementation and success of FLEP in NY. Coordinated by the project manager.
8. **Township presentations (by NYFOA and MFO volunteers):** The public of NY, including those who do and don't own forestland, will benefit from exposure to knowledge of the benefits associated with FLEP and forest resource management in general. The diffuse nature of townships and the receptivity of opinion leaders to community-based knowledge suggest the greatest success will come from a grass-roots approach to increasing local awareness. Materials developed within the FLEP education program will be made available to NYFOA and MFO volunteers to use in presentations to their community during town meetings, such as town council meetings, Rotary Clubs, Boy/Girl Scout/4-H meetings, Fireman Field Days, county fairs, etc., but generally any event where time on the agenda can be captured. Training for the appropriate use of the presentation materials and supporting documentation will be developed through the regional MFO refresher courses. Coordinated by subcontract with NYFOA, and in cooperation with the MFO program director.