



ESFPA *"The People Behind New York's Healthy Forests and Quality Wood Products"* the **Empire** ENVOY

The Official Publication of the Empire State Forest Products Association

NYS GOVERNOR, DAM AND DEC HOLD WOOD PRODUCTS AND FORESTRY SUMMIT

ESFPA and several members have a seat at the table

In late October, 2018, leaders from the NYS Department of Agriculture and Markets (DAM) and the NYS Department of Environmental Conservation (DEC) along with stakeholders from throughout the forestry and agricultural communities, came together to discuss challenges and develop solutions to unlock the economic potential of New York forest products at the Wood and Forest Products Summit in Binghamton, NY. The Summit was the backdrop for the DAM and DEC leaders to announce a plan to revitalize the industry as well as the premiere of the Love Your Forest Video, produced by ESFPA and funded through a marketing grant from the DAM.



Over 15 diverse industry leaders headed a round table panel discussion which included several board members (Ed Wright of WJ Cox and Associates, Michael Hanlon of Cotton-Hanlon, Tom Gerow from Wagner Lumber and Craig Jochum of Craig Jochum Logging) and John Bartow, ESFPA Executive Director.

Many other ESFPA members and staff were present for the event of over 100 participants.

Issues or items that were highlighted are as follows:

Grow Domestic and International Markets

- Convene a forum to identify impediments and outline actions to support the growth of domestic markets for New York forest products.
- Expand NYS Grown & Certified to include New York firewood, paper, and lumber industries.
- Support the development of a local market for overstocked plantation-grown softwood timber on New York State Forest Management Lands by broadening available avenues for offering and selling standing timber on State forests.

Increase public awareness and involvement through:

- Highlight New York's forest products industry at the New York State Fairgrounds through various events and displays.

- Work with the New York Future Farmers of America and Agriculture in the Classroom programs to attract young people into pursuing educational opportunities and careers in forestry and wood products.

Expand the New Forest Economy

- Continue to pursue a bio-refinery project in the state, working closely with SUNY, the Research Foundation, and other partners.
- Continue to look at ways to address the development of a skilled workforce.
- Propose changes to the Renewable Heat NY program that support replacement of wood boilers for low-income New Yorkers with affordable solutions that are cleaner and more efficient by May 2019.
- Convene a meeting between stakeholders to consider ways to improve the Renewable Heat NY Program's application, including the potential inclusion of wood chip fueled boilers, to support markets for byproducts from forest management and the manufacture of wood

Improve Forest Health

- Revise Forest Tax Law 480-A regulation aimed at improving the efficiency and administration of the program for consulting foresters and program participants.
- Propose the "Regenerate NY" program to assist forest landowners in addressing the extreme difficulty in growing NY's next forest partly caused by heavy deer forage pressure and competing vegetation
- Propose Working Lands Easement Program for land trust organizations to administer.
- Establish Climate Change & Wildland Fires Task Force with a heavy focus on land management practices.

Further Research and Development

- Create a New York State Climate and Applied Forestry Research Institute (CAFRI) that will be a partnership involving NYS Departments of Agriculture and Markets and Environmental Conservation, NYSERDA, SUNY ESF, and

(See "Forestry Summit" continued on page 3)

The Empire Envoy

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Founded in 1906, ESFPA is dedicated to improving the economic climate for the forest products industry and to promote management of New York's Forests to meet the resource needs of today and for future generations. ESFPA counts among its 400 members furniture companies, lumber manufacturers, forest landowners, timber harvesters, pulp and paper companies, and other wood products manufacturers from across New York State. Members own and manage 1.5 million acres of New York's forests and employ over one-third of the 60,000 individuals who work in the forests and wood-using mills around the state. *The Empire Envoy* is the newsletter of the Empire State Forest Products Association, Copyright© by ESFPA. Articles may be reproduced with permission of the publisher. *The Empire Envoy* is produced monthly for ESFPA members and interested parties. For information on subscriptions or membership, please contact ESFPA.

Membership Plays a Vital Role In 2019

From the Desk of the Member Services and Communication Director Muriel D. Church

ESFPA has a lot to look forward to in 2019. We have great projects and direction through our new Strategic Plan (please see the article on page 7). The direction of where we, as an Association, and want to be has never been so clear. But, we also have a great challenges before us. The recent election cycle has yielded a new and diverse legislature in New York State. Many new representatives do not live or work in communities that are familiar with the forest products industry or the economic and environmental benefits that we, as an industry and a community, provide to ALL New York State residents. It is OUR JOB to tell them. All of us. The Association, the staff, our leaders and all our members.

We, as an organization and as a community, have made huge strides in becoming proactive with our message and our views and positions on issues which ultimately frame our everyday life – our livelihoods and our pastimes. However, we have our work cut out for us, ensuring that our newly voted in legislature is aware of all that we do and the responsible and sustainable way by which we manage our forests. Staff and Board members will of course be there to attend and participate in as many discussions as possible. However, now, more than ever, we need the voice of our members. We will be making appointments and reaching out to appropriate members for visits and participation. We understand it's a day from "work." However, if we cannot have our industry supported by legislation and regulations, then there will be no "work" to worry about.

The job before us is clear. We have a tremendous amount to be proud of. Now, we have to make sure everyone knows! I look forward to seeing more of our members throughout the year to come. As always, if there is anything we can do for you, if you see an issue in your community, reach out. We are all in this together. I can be reached at mchurch@esfpa.org or (518) 463-1297.

I am looking forward to hearing from you.

Muriel

ESFPA Sustaining Members



The Forestland Group, LLC



FORESTRY SUMMIT *(continued from page 1)*

Cornell University. The institute will initially focus on forest carbon sequestration research in support of New York's role in the U.S. Climate Alliance Natural and Working Lands Initiative.

- Double funding for the New York State Wood Products Development Council.

We will monitor the Governor's State of the State address as well as the Budget announcement to keep our members updated on the initiatives above. For the latest information on this program, you can visit the Governor's website at <https://woodproducts.ny.gov>.

ELECTION 2018

The dust has finally settled on the 2018 elections and the political landscape both in Washington and New York State has shifted for 2019. Results both nationally and in New York are reflective of what the pundits and polls were projecting, but in varying degrees.

At the Federal level, Democrats claimed control of the House of Representatives by winning 39 Republican seats. Democrat control of the House was an outcome that many political operatives had expected, but obviously not as big of a win (or "Blue Wave") as some projected. In the Senate, the upper chamber remains under Republican control with 53 seats.

So what does this mean?

- House leadership and committee chairs will certainly change. Over the next few weeks we will see internal leadership elections and committee assignments for when the new Congress convenes in 2019.
- The Senate leadership and committee assignments will largely remain the same and the Senate will be a bit more conservative than it was for the past two years so as far as supporting Presidential appointments it should be easier for confirmation of judges and high level appointments of the President.

In 2019, the New York Congressional delegation of 27 will include 21 Democrats and 6 Republicans. A change of 3 seats with incumbent Republican Dan Donovan (11th - Staten Island) losing to Representative -elect Max Rose, Republican John Faso (19th - Hudson Valley) losing to Representative-elect Antonio Delgado and Republican Claudia Tenney (22nd - Central NY) losing to Representative -elect Anthony Brindisi.

For New York State elections the political landscape has shifted significantly. In the Assembly the Republican minority made gains in capturing 5 additional seats, bringing the number of Democrats in the majority and Republicans in the minority to 100 to 50. In the Senate, Democrats now have 40 of the 63 seats. A major shift and setting the stage in both houses of a major urban/rural; upstate/downstate divide. Each house has a 2:1 Democrat majority over Republicans with 2/3+ of the entire legislature residing south of Dutchess County.

So what does this mean for ESFPA's footprint?

The upstate NY landscape for forestry and our economic sector as well as all rural NY has changed dramatically. In the Assembly there has been a slight loss of Democratic majority member representation over forest lands with just about 3% of all upstate forest lands having a majority member representing them. In the Senate where forest lands had 95% Republican representation, there is now less than 10% of all forest lands in NY represented by majority Democratic members mostly in lower Hudson Valley and Catskills.

Upstate NY now only has 3 Democratic Representatives in the majority - Senator Neil Breslin (Albany County), Senator Timothy Kennedy (Erie County) and Senator Rachael May (Madison/Onondaga Counties) in former Senator Valesky seat.

In the Catskill-Mid Hudson region Senator Jen Metzger (Delaware/Sullivan/Ulster Counties) won Senator Bonacic's seat and Senator James Skoufis (Ulster/Orange Counties) won Senator Larkin's seat. In the Lower Hudson Valley Democrat Senator Pete Harckham defeated Republican incumbent Terrance Murphy

In the Assembly, Republicans picked up a few upstate seats which put more of upstate in the minority party. Two big surprises are Assemblywoman Addie Jenne (Jefferson/St. Lawrence County) lost to Assemblyman -elect Mark Walczyk and Assemblyman Bill Magee (Madison Co.) lost to Assemblyman-elect John Salka.

Implications

It's a whole new day for our forests, the forest products sector and rural NYS. Lobbying strategies will have to change significantly.

It has already begun to change and more will happen in early January. Senator Andrea Stewart -Cousins was elected President Pro-Tem and Majority Leader of the Senate. The first woman and African American elected Senate leader. Senator Stewart Cousins has also begun to announce Committee Chairs with Senator Jen Metzger appointed chair of Agriculture, Senator Todd Kaminsky chair of Environmental Conservation, Senator Kevin Parker chair Energy and Senator Liz Kruger Chair Finance. Other leadership positions and complete committee assignments are still pending and we will report more as they develop. This is a major shift in leadership in the NYS Senate and confusion will reign for a while. It may be a long period before we see actual "legislating" and new leaders will have to figure out the budget process which will go fast.

In the Assembly, Assemblywoman Crystal Peoples-Stokes of Buffalo was elected majority Leader (2nd in leadership). Assemblywoman Donna Lupardo (Binghamton) was appointed chair of the Agriculture Committee. Assemblyman Michael Kusick (Staten Island) and Assemblyman Stephen Englebright remain Chairs of the Energy and Environmental Committees, respectively.

Leadership priorities for both the Senate and Assembly are gun violence control, women's reproductive rights, education funding, election reforms and undocumented immigrants. Certainly not much related to our forest products industry

(See "Election" continued on page 4)

ELECTION 2018 *(continued from page 3)*

concerns. Governor Cuomo has also been touting these priorities but he has also put forth his Forest and Wood Products Summit proposals (see article on page 1) so focus on those in the Budget process will be key.

Our messaging and outreach in the Budget and legislative arena will be to a whole new legislative leadership in the Senate. Where we had representation and friends in the Senate Republicans they will not have the clout they had for over 100 years. They will be kept out of Budget negotiations (three folks in a room) and their legislation will be often stalled in Committees.

This is a new reality but one we have been preparing for. At the December ESFPA Board meeting we approved our new, first ever, Strategic Plan (see article on page 7) and opportuni-

ties to strengthen our message and enhance our relevance. The plan sets forth clear priorities and direction for our Association, the Board and Staff. We have also approved our 2019-2020 "Our Views" which sets forth priorities as we enter a new biennial State Legislative Session. We encourage you to visit our web site at www.esfpa.org and look at both of these foundational documents for our work.

Now, more than ever we need your support. If you have not already, please consider renewing your ESFPA membership. While the Board has adopted a modest 2% dues increase for 2019, the cost of membership is still very reasonable for all classes of membership. As your voice in Albany we need your support and engagement if we are to ensure a prosperous and productive forest products sector. The challenges we face are real, but collectively we can make a difference.

STATE NEWS

Oak Wilt

In November the NYS Department of Environmental Conservation (DEC) and representatives of the U.S. Animal and Plant Health Inspection Service (APHIS) had a conference call with the Canadian Food Inspection Agency (CFIA) regarding Oak Wilt. Both DEC and APHIS advised CFIA that they did not have the resources or capacity to monitor and regulate Oak Wilt shipments through NY into Canada and that CFIA would have to work with the Canadian Hardwood Mills on a compliance agreement for Oak Wilt regarding the movement and shipment of Oak logs into Canada.

In mid-December we heard from the Canadian Hardwood mills that CFIA was requiring them to adopt a compliance agreement regarding phyto-sanitation standards by the end of December. From what we hear, they will be proposing to continue to take shipments and requiring processing within 30 days of shipment to the Canadian Mill. During this period out of state shipments must be accompanied with an attestation of the shipper that the logs are free from Oak Wilt infestation. We have also heard that they are looking at phyto sanitation standards which may include debarking and/or fumigation. In addition, the Mills have agreed to an aggressive monitoring program around their hardwood mills.

We will be monitoring what exactly the Mills agree to for compliance agreements with CFIA over the coming weeks and hopefully able to report workable solutions for this export market.

Spotted Lantern Fly

ESFPA submitted comments on December 9th regarding an Emergency/Proposed Rule Making for Spotted Lanternfly (SLF). The proposed emergency rule would establish an "external quarantine" covering counties in the States of Pennsylvania, Delaware, Virginia and New Jersey where there are known infestations of SLF. The effect of the external quarantine would require a person or business that is moving regulated articles originating from, located within, or moved through counties with SLF infestation to obtain a "certificate of inspection" from the state with jurisdiction. The compliance requirement would be that any movement of regulated materials would have to be compliant with the "compliance agreement" in the state of origin following approval of such compliance agreement by DAM. On December 26th the final emergency rule became permanent.

Our comments were supportive of the Emergency Rule but we noted that we are interested in knowing how DAM and the Department of Environmental Conservation (DEC) will operate a compliance agreement within New York State when SLF enters the State. ESFPA also urged DEC and DAM to adopt a compliance agreement that includes reciprocity with surrounding states so New York's rules would avoid redundant compliance requirements. You can see ESFPA's full comments at www.esfpa.org under the Our Views menu, Position Statements.

480a Developments

Following the NY Society of American Foresters sponsored stakeholder meeting held in Syracuse last July 10-11, DEC has been moving forward with its effort to revise the Part 199 regulations that enable the State's Forest Tax Law, 480a. The required Regulatory Initiation Memo, or "RIM", is moving through the Department for review and approval and the Divi-

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sion of Lands & Forests has been meeting with its forestry staff in each of the seven upstate regions to garner ideas for change from those administering the program every day. These ideas, added to the ideas from the July meeting and other anticipated input, will serve as the beginning discussion points for a planned set of stakeholder meetings across the state in January and February, as well as a webinar presentation. The combined input from these efforts will be used to develop the draft regulation amendment, which will then be released for public comment. DEC continues to welcome any and all comment or ideas for changes. Input can be sent to Jason Drob-nack: jason.drob-nack@dec.ny.gov or (518) 402-9630.

ESFPA Comments on APA Renewable Energy Policy

ESFPA submitted comments on December 3rd to the Adirondack Park Agency (APA) on their draft “Policy on Renewable Energy Production and Energy Supply”. ESFPA commended APA on its foresight to develop policy that advances New York’s renewable energy goals and targets. In reviewing this draft policy it appears that the APA is looking to develop a policy which is not limited just to renewable energy production and energy supply at larger scale energy production and distribution facilities (i.e. centralized electric power generation facilities and their transmission) but at energy production at

the industrial, commercial and residential scale as well. If this is the case it should be more clearly stated. In addition, while we recognize the connection between renewable energy and climate change, renewable energy is but a piece on mitigating climate change. As we note our detailed comments this policy may be best limited in scope to just renewable energy and perhaps a separate policy on climate change would be appropriate. You may find ESFPA full comments at www.esfpa.org under the Our Views menu, Position Statements.

ESFPA & Farm Bureau Support Ag. & Forestry

ESFPA signed onto two letters from NY Farm Bureau to Senate Majority Leader Andreas Stewart-Cousins and Governor Andrew Cuomo calling on them to include funding for agriculture and forestry in the 2019 State Budget. For decades the Executive Budget proposals woefully underfunded agriculture leaving the Republican controlled Senate to restore more than half of the annual funding for agriculture and forestry. With the change in leadership in the Senate, it is imperative that the Governor lead with his Executive Budget proposals for agriculture and forestry and the Senate realize the significance this funding has for rural New York State. You may see the letters at www.esfpa.org under the Our Views menu, Position Statements.

FEDERAL NEWS

Farm Bill Re-Authorization

The 2018 Farm Bill passed in the House and Senate in mid-December with strong bipartisan support. President Trump signed the bill on December 20, 2018. The five-year reauthorization bill includes language supporting programs that benefit forest conservation and markets. A laundry list of priorities specific to forestry and forest products were adopted in this re-authorization, including:

- Providing strong funding for many conservation programs, like the Environmental Quality Incentives Program (EQIP) Regional Conservation Partnership Program (RCPP) and Healthy Forests Reserve Program (HFRP). The Farm Bill is the largest conservation funding program for private forest lands and has widely been used in New York for conservation and regeneration efforts by NGOs and private family forest owners.
- Supporting markets for wood residuals and biomass including a number of provisions promoting use of sawmill-derived fuels for heat and power. Primary among them is the Community Wood Energy and Wood Innovation program, which is authorized at \$25 million a year over the life of the new Farm Bill to deploy high efficient biomass heating and biomass heat and power systems across the country. The provision also allows innovative wood product facilities—including sawmills and pellet plants—to apply for grants under the program. Also included in the final Farm Bill is a reauthorization of the Biomass Program for Advanced Biofuels which provides mandatory money to producers of advanced biofuel, the definition of which specifically includes wood pellets. That program will receive \$7 million in mandatory funding per year.

- The stronger Senate version of the Timber Innovation Act (TIA) was included in the final bill. This provision was opposed by organizations representing the concrete and steel industries and so its passage through Congress is a considerable victory for forestry and the forest products sector.
- Codification of the U.S. Forest Service Landscape Scale Restoration program and providing \$20M in funding.
- Additional grants for cross-boundary projects to address hazardous fuels reduction.
- Reauthorizing funding for the Healthy Forests Reserve Program (HFRP).

Farm Bill re-authorization has been a Federal priority of ESFPA for the past three years and this passage brings tremendous benefits to New York’s farmers and forest landowners. Our thanks to everyone who helped pass this in 2018 and to our New York elected representatives for unanimously voting in favor of this legislation.

Latest on Trade & Tariffs

While at the G 20 Summit in Buenos Aires President Trump and Chinese President Xi agreed to suspend increases in existing tariffs (on both sides) for at least 90 days and have committed to engage in trade negotiations. There were several indications late December that the trade war cease-fire is returning commerce between the two nations, at least temporarily. The US informed China it will increase tariffs on Chinese goods on March 2 when the 90 day period is over. A notice that was published in the Federal Register confirmed that the March 2 date is a “hard deadline” and there is no room

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FEDERAL NEWS *(continued from page 5)*

for movement on that date, at which time the tariffs on more than \$200 billion of Chinese goods ramp up from 10 percent to 25 percent. There is no indication what China might do by the March 2 deadline to avoid higher duties.

While in Buenos Aires, President Trump also signed the newest U.S. Mexico – Canada Agreement (USMCA) with the presidents of Mexico and Canada. The move would put pressure on Congress and the respective Canada and Mexico legislatures to approve this new trade deal with the two U.S. neighbors. Details of the final agreement are slowly coming out and we will have more to report as they unfold. The deal still also needs to be approved by all three governments. In the US Congress we won't see ratification until after January 1st when the Democrats take control of the House of Representatives.

Announced this fall, a trade deal between the U.S. and the European Union continues to be finalized in negotiations. This too continues to bring uncertainty to trade around the world.

As we enter 2019, trade in forest products continues in a shroud of uncertainty and anxiety. Obviously, trade is down but in some instances not as bad as it might be in a different economy. Many forest product businesses rely on robust international trade and the climate for now is cloudy at best. We will continue to monitor trade and tariffs and work with our national partners in keeping you informed of any developments.

Waters of the U.S.

The Trump administration released its proposed new Waters of U.S. rule on December 11th. The new rule is a significant departure from the Obama-era rule and is based on a narrower interpretation of the Clean Water Act and case law. ESFPA is supportive of the new proposed rule because it will help bring more clarity and certainty to the question of Federal jurisdiction and it respects states' role in ensuring clean water.

The issue of what is and what is not a "water of the U.S." has been a hotly contested issue for many years. Under the proposal, traditional navigable waters, tributaries to those waters, certain ditches, certain lakes and ponds, impoundments of jurisdictional waters, and wetlands adjacent to jurisdictional waters would be federally regulated. It also details what are not "waters of the United States," such as features that only contain water during or in response to rainfall (e.g., ephemeral features); groundwater; many ditches, including most roadside or farm ditches; prior converted cropland; stormwater control features; and waste treatment systems. For forestry, clarity around ephemeral streams should narrow the types of waters regulated on forestlands. And importantly, this proposal is a first draft for which EPA and the Army Corps of Engineers will be soliciting comment. A 90 day public comment period will commence as soon as the proposal is published in the Federal Register. ESFPA will be working with our national affiliates in developing comments on the proposal.

US Supreme Court Gopher Frog Decision

On November 27th, in a unanimous decision authored by Chief Justice Roberts, the Supreme Court vacated the Fifth Circuit Court of Appeals' decision allowing the US Fish & Wild-

life Service (USFWS) to designate land owned and managed by Weyerhaeuser Company as "critical habitat" for the dusky gopher frog under the Endangered Species Act (ESA). The USFWS acknowledged in its designation that the frog does not currently inhabit the Weyerhaeuser land, and the USFWS had admitted that the land could not support a frog population without significant changes. Focusing on the ESA's plain language and the law's lack of a clear definition of "habitat," the decision states that land is "eligible for designation as critical habitat... only if it is habitat for the species." The decision leaves the interpretation of "habitat" to the Fifth Circuit and returns the case to that court for further action, including whether the Weyerhaeuser land meets the definition of habitat the Fifth Circuit ultimately applies. The Court also unanimously ruled in Weyerhaeuser's favor that the USFWS's economic analysis and decision not to exclude this site from critical habitat based on that analysis, is subject to judicial review, setting an important precedent for future USFWS actions.

Tall Wood Buildings

Per a press release from the American Wood Council (AWC) on December 19th, all 14 code changes permitting tall mass timber construction up to 18 stories have been approved for inclusion in the 2021 International Building Code (IBC). IBC reported the results from their online vote, confirming the outcomes from the Richmond, VA hearings for each proposal. Notably, each outcome is what the industry sought going into the Richmond hearings.

The next step is implementation and adoption of the 2021 IBC Code at the State level. This will take place over a number of years, with some states taking the initiative on early adoption - like Washington and Oregon. Some states adopt administratively and some must be voted on in the legislature. This is an important step forward regarding Cross-Laminated Timber (CLT), and similar technologies and critical to a future where hardwood can be used in construction of buildings up to 18 stories.

New Regulations for shipments of Ash to the EU

According to information provided by the National Hardwood Lumber Association (NHLA), due to several problems with imported ash shipments and recent audit findings the EU has suspended use of the "one inch option" on ash lumber imports from the US and Canada until 2020, so they can re-evaluate. That only leaves US exporters of ash lumber with the agreed upon "systems approach" which is defined below.

As announced by USDA-APHIS, "Shipments of Ash lumber certified under the 2.5 cm beneath the bark lumber will be allowed a grace period for the wood already in route. The last date such a shipment can arrive and gain entry in to the EU is **February 10, 2019**."

The "systems approach" is as follows:

Shipments must have a PHYTO with the accompanying NHLA KD Certificate with clip id numbers. The Shipments must also meet all of the following requirements:

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FEDERAL NEWS (continued from page 6)

- 10% or less in MC
- Dry bulb temperature must reach 160 degrees F for 20 hours minimum.
- Lumber must be debarked, small residual pieces less than the size of a credit card are acceptable.
- Lumber drying time of 14 days, this includes air drying time.
- Lumber must be stenciled with KD - HT on both ends of the packs. (bottom right corner)
- Treatment durations, dry and wet bulb temperatures, and final moisture contents will be recorded for each specific lot, and maintained for a minimum of 3 years.

ESFPA ROLLS OUT THE LONG AWAITED STRATEGIC PLAN

After years of planning and a significant amount of time and effort from the ESFPA Board of Directors and Staff, the long awaited ESFPA Strategic Plan is now complete. The ESFPA Staff and leaders have been interested in developing a plan for a number of years, with the goal of ensuring your membership dollars are well focused and spent on efforts, programs and projects that you, our member, deem important. The process began nearly a year ago when staff put together an RFP for a consultation group to help the Association develop our plan. Several months ago, ESFPA staff sent out a survey to determine what issues and direction our membership wanted the Association to take. Results were tallied and the board got to work with a final vote of approval at the December 2018 ESFPA Board of Directors Meeting. The result is the 5 year Strategic Plan for ESFPA, which can be reviewed in its entirety on the ESFPA website at www.esfpa.org. Highlights are as follows:

3. We are committed to continuous improvement to ensure that New York's forest products industry remains quality-focused, environmentally conscious and strategically competitive.
4. We value and respect the rights of private forest landowners.
5. We are committed to proactively educating the public, media and government officials about the tremendous importance of New York's forest products industry.
6. We are committed to providing ESFPA members with value for their membership dollars.. Core Goals with **measurable** outcomes include advocacy, stakeholder communications, economic development, workforce/labor development and professional training.

Mission

The mission of ESFPA is:

To improve public awareness and promote public policy in support of productive and healthy New York forests and the forest products economy to meet the needs of society today and for future generations.

A Mission Tag Line for ESFPA: The people behind New York's healthy forests and quality wood products.

Vision

By 2038, the forest products industry in New York will be understood, respected and considered a cornerstone of the State's rural economy by providing sustainable employment, and contributing to New York's quality of life. New York's forests will be healthy and productive, accessible as a timber resource, and functioning as a working forest through environmental conservation and an engaged private landowner base. New York's forest products industry will be globally competitive, and a respected stakeholder in the public policy arena.

Core Values

1. We value the success of the many important consumer products made by New York's forest products companies.
2. We support a full range of businesses in the forest products industry supply chain, including forest landowners, loggers, truckers, foresters, mills and other production facilities, equipment suppliers and supporting businesses and organizations.





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BRANDRETH PARK COURT DECISION

Back in May 2009 Phil Brown (Editor of the Adirondack Explorer) canoed through Shingle Shanty Brook, Mud Pond and Lilypad Pond on the Brandreth property in the Town of Long Lake. Brown published an article in the Explorer about his May trip called "Testing the Legal Waters" and thus commenced *The Friends of Thayer Lake v. Brown and the State of New York Department of Environmental Conservation* and the subject action of trespass and navigable waters. The subject action was the ultimate issue of whether the disputed waterway is "navigable-in-fact" under common law of the State of New York. In 2016, this case was heard by the New York Court

of Appeals who decided that summary judgment was inappropriate and remanded the case back to the Supreme Court of Hamilton County to hear the "factual evidence on five factual questions.

On December 20th, Judge Richard Aulisi upon findings of fact and conclusions of law found that the disputed waterway was not navigable-in-fact, therefore not open to public use and the public is enjoined from recreational use, or other uses, of the disputed waterway. This case was handled in large part by ESFPA Counsel Dennis Phillips in his private practice and certainly is a win for the private landowners of New York State!

RARE, THREATENED AND ENDANGERED SPECIES FIELD GUIDE NOW AVAILABLE

Thanks to a grant through the New York State Department of Agriculture and Markets, and the assistances of individuals from the New York State Department of Environmental Conservation as well as many volunteers from our ESFPA membership, we are proud to announce the completion of ESFPA's Working Forests and Rare, Threatened, Endangered Species Field Guide. This guide was written by J. Rebecca Hargrave, a contractor secured through an RFP procedure and who currently teaches at SUNY Morrisville. Our volunteers spent many hours going over the document to ensure it could be the most valuable tool for our members. The guide lists NYS and Feder-

ally listed endangered and threatened plants and animals and their immediate habitat that are protected by NYS and federal laws, regulations and guidelines. The guide was written for foresters, loggers, landowners and other individuals who work on forest lands in order to provide guidance on identifying the locations of threatened and endangered species and the regulations and guidelines in place to help protect these species while still allowing for sustainable forest harvesting operations. Copies will be distributed at various workshops across the state. A pdf can also be obtained by calling ESFPA.