

ADIRONDACK PARK AGENCY

www.apa.ny.gov

Special Information Request for TIMBER HARVESTING ACTIVITIES:

CLEARCUTTING,¹
HARVESTING, WOOD ROADS AND FOREST MANAGEMENT IN RIVER AREAS²
WOOD ROAD THROUGH WETLANDS³

PERMIT APPLICATION PROCESS

This permit application form is to be used in seeking an APA permit for timber harvesting activities on private lands in the Adirondack Park. The statutes administered by the APA that may apply are the Adirondack Park Agency Act, New York State Wild, Scenic and Recreational Rivers System Act and New York State Freshwater Wetlands Act. The Agency's regulations summarizing jurisdiction are found in 9 NYCRR 573.7, 577.5 and 578.3(n); however, you can contact the Agency for a copy of the regulations or for assistance.

Examples of timber harvesting activities requiring an Agency permit include clearcutting more than 3 acres of wetland, clearcutting of more than 25 acres in upland areas, construction of wood roads in wetlands and various harvesting activities within designated river, including any cutting or new wood road in or within 100 feet of the mean high water mark of a river, and new bridges. A complete list of jurisdictional activities requiring Agency permits are available upon request.

This form is to be used to apply for an Agency permit. Fill out the form completely and be sure to attach all required documents. If a question does not appear to fit your particular situation, please provide whatever information you feel is pertinent or mark not applicable (NA). You are encouraged to read this entire information request before answering any questions and to provide the requested information and materials at the level of detail specified.

You must include signature of the landowner(s), a copy of the current recorded deed, tax map number and a detailed description of your project, including a site plan map. Processing your application will be delayed without this information.

If a permit is needed, a Project Review Officer will visit the project site and may ask you to provide additional information in order to establish if you meet the standard criteria for issuance of a permit listed on pages 2 and 3 of this form. You also may be asked to submit supporting maps and documents.

¹"Clearcutting@ means any cutting of trees six inches in diameter at breast height over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested. Provided, however, that where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 square feet per acre, measured within the area harvested, a clearcut will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 square feet per acre, similarly measured. An agency permit is required for: (I) clearcutting of more than 25 acres, except within industrial use areas and non-wetland areas within hamlet areas; (ii) Effective May 1, 1983, clearcutting of more than three acres within a freshwater wetland. Individual clearcut areas of eight acres or more will be aggregated in computing the 25 acre jurisdictional threshold prescribed in this subdivision if they are not separated from each other by an intervening uncut area at least 300 feet wide at all points. Clearcutting is not allowed in river areas except in accordance with sections 577.68 and 577.8 of Agency regulations.

²"River area@ means the wild, scenic, and recreational rivers and the private lands in their immediate environs as set forth in Appendix Q-6 of Agency regulations.

³"Wood road@ means any dirt or other unimproved road designed and used solely for forest management purposes or related fish and game activities, not intended for use by the general public, and simply constructed by grading, filling and/or corduroying, without extensive finish or maintenance work.

If you are unsure how to answer particular questions, please call the Agency at 518-891-4050 or write to the address on page 9 and staff will assist you or arrange a preapplication meeting.

Information: The three statutes administered by the APA provide criteria for permits:

APA Act Standards for the Review of Clearcutting:

The Agency will not issue a permit to allow clearcutting subject to jurisdiction as a class A regional project, unless:

- § the clearcutting is for a recognized silvicultural purpose;
- § there are adequate buffers on the shorelines of lakes, ponds, rivers or streams; along major travel corridors, and, if necessary, around dwellings on adjacent lands, so as to preserve water quality and visual quality and to control noise;
- § habitats of rare and endangered species and other key wildlife habitats will be protected;
- § regeneration of timber is assured;
- § if proposed, and if allowed by the agency, any use of pesticides and herbicides will be strictly controlled;
- § harvest will be controlled by qualified personnel by contract, marked stand, direct supervision, or other adequate means;
- § wood roads and skid trails will be located, and equipment will be operated, so as to minimize erosion on slopes and elsewhere;
- § the storage, mixing, or bulk handling of fuel, chemicals, or other hazardous materials will be strictly controlled;
- § the Timber Harvesting Guidelines for New York (New York Section of the Society of American Foresters, June 1975) will be adhered to, at a minimum; and
- § the agency is able to make the findings required by section 809(9) or section 809(10) of the Adirondack Park Agency Act and by Part 574 of Agency regulations.

Wetlands Act Criteria:

Section 578.10. Issuance of permits. Unless the economic, social and other benefits to be derived from the activity proposed compel a departure from these guidelines, the agency shall not issue a permit for regulated activities in the following wetlands unless the findings set forth below are made:

- § Wetlands rated 1. The proposed activity:
 - § would be compatible with preservation of the entire wetland; and
 - § would not result in degradation or loss of any part of the wetland or its associated values.
- § Wetlands rated 2. The proposed activity:
 - § would result in minimal degradation or destruction of the wetland or its associated values; and
 - § is the only alternative which reasonably can accomplish the applicant=s objectives; or
 - § alternatively to subparagraph (ii), is the only alternative which provides an essential public benefit.
- § Wetlands rated 3. The proposed activity:

- § would result in the minimum possible degradation or destruction of any part of the wetland or its associated values;
 - § is the only alternative which reasonably can accomplish the applicant=s objectives; and
 - § would, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.
- § Wetlands rated 4. The proposed activity is the only alternative which reasonably can accomplish the applicant=s objectives.

Standards Applicable to all Rivers Projects:

The agency shall not issue a permit for any rivers project unless it shall determine that:

- § the project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- § the project would comply with the applicable restrictions and standards of section 577.6 of the Rules and Regulations;
- § the project would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project. In making this determination, the agency shall consider those factors contained in the development considerations of the land use and development plan which are pertinent to the project.

Specific standards applicable to certain rivers projects. The agency shall not issue a rivers system permit for the following rivers projects unless it shall determine that the following specific criteria are met:

- § The harvesting, cutting, culling, removing or other disturbance of timber or other vegetation inside the mean high water mark of the river or within 100 feet of the mean high water mark is:
 - § for compelling purposes as would be consistent with recognized sound forestry or agricultural practices; or
 - § in recreational river areas, selected and dispersed cutting of vegetation to the extent necessary to create a view of the river from any new structure or from any lawfully existing structure lacking such a view.
- § New public or private roads, wood roads, and trails for motorized open space recreation uses will be so located and constructed as to minimize visibility from the river, minimize alteration of the natural environment, will be reasonable and necessary, and will be effectively restricted to those uses specified by the applicant.

SPECIAL INFORMATION REQUEST: TIMBER HARVESTING ACTIVITIES

APPLICANT/PROJECT IDENTIFICATION

1. PROJECT APPLICANT

Name:

Address:

Telephone (Daytime):

Telephone (Other):

Fax:

2. APPLICANT'S REPRESENTATIVE

Name:

Address:

Telephone (Daytime):

Telephone (Other):

Fax:

**3. FORESTER/CONTRACTOR/LOGGER
(if not the applicant)**

Name:

Address:

Telephone:

4. APPLICANT'S INTEREST IN PROPERTY*

- ~ owner
deed _____ date
- ~ developer
(contract) _____ date
- ~ tenant
- ~ option holder
- ~ other (describe)

* Please provide signed legal documentation: deed, contract, option or lease.

**5. PROPERTY OWNER
(if not the applicant)**

Name:

Address:

Telephone (Daytime):

Telephone (Other):

Fax:

6. PROPERTY LOCATION*

Town:

County

Road/Highway

Nearby Water Body

Tax Map No.**

Section:

Block:

Parcel:

7. PRIOR AGENCY CONTACT (Regarding the property)

Name:

Date:

Project No.:

Jurisdictional Inquiry No.:

Enforcement Case No.:

8. ADJACENT PROPERTIES**

Please provide a separate information sheet which shows tax map number and owner's name and address for each adjacent property within 500 feet of the proposed timber harvest activity.

** For tax map numbers and adjacent property owners, consult the County Real Property Tax Service.

9. GENERAL DESCRIPTION OF PROPOSED TIMBER HARVEST ACTIVITIES:

- ~ Jurisdictional upland clearcut _____ Acres
- ~ Jurisdictional wetland clearcut _____ Acres
- ~ Wood road through wetland
- ~ River area activities

CLEARCUTTING AND TIMBER HARVESTING IN RIVER AREA

Proposed Project Details:

Please provide a harvest plan containing (attached additional sheets):

1. **Forest management objectives underlying the cutting proposed to include regeneration plan. If applicable, provide a copy of the 480a forest management plan and indicate the status of the plan.**
2. **A map or maps of the area to be clearcut and all lands within one-quarter mile thereof, at a scale of 1:24,000 or larger, showing:**
 - § **Wetlands, unique natural and cultural features, areas with slopes in excess of 25 per cent, waterbodies (including permanent streams) and public roads.**

The agency will supply available maps on request.
 - § **Existing, and approximate location of proposed wood roads, stream crossings and culverts, existing buildings, property lines, easements.**
 - § **Buffers proposed.**
 - § **Significant areas of timber infestation or disease on the area to be clearcut, including beech bark disease, scleroderris canker, spruce budworm and pine blister rust and storm damaged areas.**
 - § **Any areas where the general public is allowed access or use pursuant to a formal contract or conveyance to the state or a local government, such as public hiking or snowmobile trails, public fishing access and the like.**
3. **The name and address of the individual who prepared the draft plan and their forestry qualifications.**
4. **A description of the location and nature of any harvesting on the area to be clearcut or within one-quarter mile thereof within the prior 10 years.**
5. **A description of proposed harvest equipment and methods (including use of portable chippers and sawmills), preharvest and postharvest techniques and harvest objectives.**
6. **In the event pesticide or herbicide use is proposed, the name of the chemical and the DEC-certified applicator, the method and rate of application, copy of EPA and NYS approved label.**
7. **Describe any future uses of the land presently contemplated by the owner other than forestry, including sale or subdivision of the property.**

WOOD ROAD THROUGH WETLAND

Briefly describe the proposed road, including its length and width through each wetland, construction methods, materials to be used, construction start date and when all materials will be removed from wetlands:

| Wetland ID (as shown on map) | Total Length Through Wetland | Maximum Width Through Wetland | Average Grade Within 200 Feet of Wetland | Type and Thickness of Road Base Material to be used in Wetland | Anticipated Construction Start Date | Anticipated Fill Removal Date |
|---------------------------------|---------------------------------|-------------------------------------|--|--|---|-------------------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

A.. Please explain why you need to construct a road through the wetland and why you feel there are no reasonable alternatives to placing fill or otherwise constructing the road through wetlands:

B. Please describe any planned future uses of the land to be accessed by the proposed road (other than forest management or agriculture) including sale, subdivision or development:

C. Please explain how potential adverse impacts on the wetlands involved will be minimized in constructing the proposed road, in addition to the specific wetland protection measures that follow:

D. Specific Wetland Protection Measures; check items to be used and show on scaled site plan their location.

! Will filter fabric be used to support the road fill and/or ease removal of the fill?

~ Yes ~ No

! Temporary erosion controls to include:

- Silt Screens ~
- Hay bale dams ~
- Mulching ~
- Other (Specify) _____ ~

OTHER GOVERNMENT REVIEW

1. **Have you contacted any of the following New York State agencies concerning this development proposal?**

| AGENCY | NO | YES | DATE | CONTACT PERSON |
|---|----|-----|------|----------------|
| New York State Department of Transportation | | | | |
| New York State Department of Environmental Conservation | | | | |
| Army Corp. Of Engineers | | | | |
| Other | | | | |

2. **Have you received a permit or other determination from any of the above State agencies? ~ Yes ~ No**
 If yes, please attach a copy to this application.

3. **Does this project require any actions by local government boards or agencies? ~ Yes ~ No**
 If yes, please attach a copy of any determination to this application.

| Board/Agency | Yes | No | Contact Person (Name/Title) |
|--------------------------|-----|----|-----------------------------|
| Planning Board | | | |
| Town Board/Village Board | | | |
| Zoning Board of Appeals | | | |
| County | | | |
| Other _____ (specify) | | | |

4. **LOCAL GOVERNMENT NOTICE FORM:**

IF YOUR LOCAL TOWN OR VILLAGE HAS ZONING OR OTHER REGULATIONS WHICH APPLY TO YOUR PROJECT, THE ADIRONDACK PARK AGENCY WILL BE UNABLE TO ISSUE A PERMIT IF THE TOWN OR VILLAGE HAS EITHER (A) REFUSED TO GRANT A NECESSARY PERMIT, OR (B) DETERMINED THAT THE PROJECT WOULD BE A PROHIBITED USE IN THAT JURISDICTION.

ACCORDINGLY, THE ADIRONDACK PARK AGENCY WILL NOT PROCESS YOUR PERMIT APPLICATION UNTIL YOU HAVE SUBMITTED THE ATTACHED FORM TO YOUR LOCAL MAYOR OR TOWN SUPERVISOR. THE COMPLETED FORM SHOULD BE RETURNED BY THE TOWN OR VILLAGE TO THE ADIRONDACK PARK AGENCY AT THE ADDRESS SHOWN ON PAGE 9.

Indicate the date the Local Government Notice Form was submitted to the local Mayor or Town Supervisor.

5. **Will any operating/occupancy permits or licenses be required from any Federal, State or Local Governments (e.g., blasting permits, licenses for use of toxic chemicals, etc.)? ~ Yes ~ No**

If yes, please specify the following: ! Required permit or license _____
 ! Issuing agency _____
 ! Application date _____
 ! Expected date of issuance _____

LEGAL DOCUMENTATION

PROVIDE A COPY OF OWNERSHIP DOCUMENTS (DEED, CONTRACT, OPTION, LEASE) AND OF ANY PROPOSED HOMEOWNERS ASSOCIATION OR CONDOMINIUM DECLARATION, BY-LAWS, OFFERING STATEMENT, PROSPECTUS, DEED RESTRICTIONS AND EASEMENTS COVERING THE PROPOSAL, AS WELL AS THE ARTICLES OF INCORPORATION TO BE INVOLVED IN THE PROPOSED PROJECT.

DECLARATION

I HEREBY AUTHORIZE THE ADIRONDACK PARK AGENCY AND MEMBERS OF ITS STAFF, AFTER REASONABLE NOTICE, TO ENTER ON THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSES OF CONDUCTING SUCH INVESTIGATIONS, EXAMINATIONS, TESTS AND SITE EVALUATIONS AS IT DEEMS NECESSARY TO VERIFY INFORMATION CONTAINED IN OR RELATED TO THIS APPLICATION FOR A PROJECT PERMIT. THE ABOVE AND ATTACHED INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

I FURTHER UNDERSTAND THAT, AS STATED ON PAGE 1, ADDITIONAL INFORMATION REQUEST FORMS MAY BE REQUIRED TO BE SUBMITTED AS PART OF THIS APPLICATION.

_____ _____
Date

Signature(s) of Landowner(s)
from current deed of record:
(Required)

_____ _____
Date
Signature of Project Applicant:
(Required, if other than a Landowner)

_____ _____
Date
Signature of Authorized Representative:
(Required, if any)

Please return completed application with:

- ! Copy of recorded deed(s)
- ! Signatures of all landowners, applicants and representatives
- ! Scaled locator map and site plan map
- ! Local Government Notice Form
- ! Other supporting documents

Send to:

Director of Regulatory Programs
Adirondack Park Agency
PO Box 99
(518) 891-4050
Ray Brook, NY 12977

LOCAL GOVERNMENT NOTICE FORM

If your local town or village has zoning or other regulations which apply to your project, the Adirondack Park Agency will be unable to issue a permit if the town or village has either (a) refused to grant a necessary permit or (b) the project would be a prohibited use in that jurisdiction.

Accordingly, the Adirondack Park Agency will not complete your application until you describe your project to municipal officials and have the form below completed by a local official and returned to the Agency.

TO: Adirondack Park Agency

FROM: Town/Village of

PROJECT APPLICANT:

PROJECT TYPE:

~ Applicant will require municipal approval under:

- ~ zoning ordinances
- ~ subdivision regulations
- ~ local floodplain regulations
- ~ sanitary code
- ~ other municipal code or law (specify)

~ Applicant does not require municipal approval.

~ Applicant has been granted a municipal permit.

~ Applicant has been denied a municipal permit.

~ Project is prohibited under municipal law or ordinance.

Specify municipal concerns with project, if any:

~ Check here if municipality wishes to discuss this project with Agency staff.

**Zoning Administrator, Planning Board Chairman,
or Mayor/Supervisor (Signature)**

Date

| | PLEASE PROVIDE NAMES, ADDRESSES AND TAX MAP NOS. FOR ADJACENT PROPERTY OWNERS | EXAMPLE: 155-1-27 Mr. John Doe Main Street Jay, NY 12941 |
|--|--|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |