



M E M O R A N D U M

TO: Terry Martino, Executive Director

FROM: Richard Weber, Director, Regulatory Programs

DATE: February 6, 2013

RE: General Permit 2012G-1 - Silvicultural Treatments
for Sustainable Forestry in the Adirondack Park

General Permit 2012G-1 and Application and Certification For Silvicultural Treatments For Sustainable Forestry in the Adirondack Park are attached for review and action at the February 14 Agency Meeting.

The staff work on the General Permit has developed from a series of meetings that began with the Board presentation about forest certification audits in relation to Agency regulations in March 2010. This was followed by a presentation to the Board in July 2010 by Sean Ross, Lyme Timber Company's Director of Forestry Operations, on the company's contemporary forest management practices, ownership objectives, forest certification, landscape-level diversity goals and silviculture used to achieve the company's goals. The presentation was followed by a tour led by Mr. Ross of the company's forestry holdings in September 2010. The work has been part of ongoing discussions that have been informative to the Agency and stakeholders.

The Agency's development of the General Permit is based on the recognition that the Agency can provide guidance through the Application and Certification forms and the requirements for project sponsors that can result in predictable outcomes when eligibility is determined. The use of this General Permit and the determination of eligibility would be made by the Deputy Director, Regulatory Programs. The review will address the statutory 809 consideration and ensure that all the necessary findings can be made.

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Following the November 2012 meeting, the Agency has publicly noticed the General Permit in four newspapers and in the Environmental Notice Bulletin. Approximately 200 letters have been received that are on CD enclosed with the mailing for your review, along with paper copies of two additional letters which are attached herewith.

Following the receipt of public commentary, Agency staff hosted a stakeholder meeting on January 28 that included local government, environmental and industry representation. Based on the public commentary and the input provided at the stakeholder meeting, Agency staff have incorporated changes in the General Permit and Application and Certification to address the following:

- A sunset clause in the General Permit limiting it to a three-year period during which Agency staff will evaluate its use and report to the Board during this implementation period; we expect this evaluation to include a revision of 573.7 of our regulations to incorporate current science of forestry management;
- Eligibility requirements that are now limited to landowners that have forest management plans that meet the rigorous standards of the Forest Stewardship Council or the Sustainable Forestry Initiative certification programs;
- Incorporation of public notice of when an application is received;
- The General Permit will only be applicable for the authorized treatment pursuant to the approved schedule; and
- The Certification will only be valid for the three-year period of time the General Permit is available.

REW:mlr

Attachments:

General Permit

Application and Certification

Additional Comment Letters (The Adirondack Council and Empire State Forest Products Association)

Summary of APA Clearcutting Review Standards in relation to FSC and SFI