 <p>Adirondack parkagency P.O. Box 99 · Ray Brook, New York 12977 (518) 891-4050 · www.apa.ny.gov</p>	<p>APA Project Permit 2013-239</p>
<p>In the Matter of the Application of LYME ADIRONDACK TIMBERLANDS I, LLC for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: December 16, 2013</p> <p>To the County Clerk: This permit must be recorded on or before February 14, 2014. Please index this permit in the grantor index under the following names: 1. Lyme Adirondack Timberlands I, LLC</p>

SUMMARY AND AUTHORIZATION

Lyme Adirondack Timberlands I, LLC is granted a permit, on conditions, authorizing timber harvesting involving a proposed clearcutting of a single unit of land of more than 25 acres in size in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This project may not be undertaken until this permit is recorded in the Herkimer County Clerk's Office. This permit shall expire unless so recorded on or before February 14, 2014 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This project shall be completed within four years from the date the permit is recorded.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project consists of timber harvesting involving a proposed clearcutting of a single unit of land of more than 25 acres in size in an area classified Resource Management, a Class A regional project requiring an Agency permit pursuant to Sections 810(1)(e)(11) and 809(2)(a) of the Adirondack Park Agency Act, and 9 NYCRR Part 573.7.

PROJECT SITE

The project site is a 42± acre portion of a 26,084± acre parcel of land located in the Town of Webb, Herkimer County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The 26,084± acre parcel is identified on Town of Webb Tax Map Section 33, Block 1 as Parcel 1. The property is described in a deed from SP Forests, LLC to Lyme Adirondack Timberlands One, LLC dated August 16, 2006 which was recorded August 31, 2006 in the Herkimer County Clerk's Office as Document Number 2006-00129268.

The project site is defined by the field-delineated harvest boundary, and does not include the existing haul roads accessing the harvest area.

PROJECT DESCRIPTION AS PROPOSED

Lyme Adirondack Timberlands I, LLC proposes a timber harvest on 42± acres, consisting of the overstory removal stage of a shelterwood system. The harvest will result in less than 10 square feet of residual basal area (BA) per acre among trees 6 inches diameter at breast height (DBH) and greater within the harvest area, constituting a jurisdictional clearcut pursuant to the definition cited in the Agency's regulations at Section 573.7(a)(1) and in the Adirondack Park Agency Act Section 802(15).

The shelterwood establishment was undertaken by the previous landowner, International Paper, in 1993. The stand is ready for a release treatment, which will accelerate growth of the existing regeneration, and allow for harvest of the mature trees before the condition of the overstory, already in decline, deteriorates further.

The harvest prescription calls for removal of all stems 6" DBH and greater of all species. At least 2,500 1"-5" DBH stems per acre, well distributed across the stand, will remain following the harvest. Select stems of 6"-8" DBH will be retained if determined to be of acceptable growing stock. Cavity, nest and den trees will also be retained for habitat purposes.

The harvest boundary (the project site) has been field-delineated with pink flagging by a professional forester. A logging crew under contract to the applicant will undertake the harvest, under daily supervision of a professional forester.

The specific equipment to be used will be determined in part by the machinery owned by the logging crew ultimately contracted to undertake the harvest, but will consist of standard logging equipment. Felling will be undertaken either mechanically, using a feller buncher, or

manually, using a chainsaw. A grapple skidder will transport logs to the landing, where a loader will be used to load a log truck, which will transport the logs off-site.

The harvest is projected to be undertaken during the summer of 2014. Total duration of the harvest will depend upon the harvesting methods used. A mechanized approach, using a feller buncher, will take less than one week. If a chainsaw is to be used, the harvest will likely take about 1 1/2 months to complete.

No new roads are proposed, as existing log roads will be used. Skidder trails established during the 1993 harvest will be re-opened and re-used.

The project site is shown on a map entitled "Birch Creek OSR", prepared by Eric Ross, and dated October 30, 2013.

The timber harvest plan is described in a four page document entitled "Timber Harvest Plan, Lyme Adirondack Forest Company", noted as the "Birch Creek OSR" harvest plan, prepared by Eric Ross of Prentiss and Carlisle Forest Resource Management and Timberland Services.

The forest management plan is contained in a 79 page document entitled, "Forest Management Plan Lyme Adirondack Forest Company LLC, 2007-2017", prepared by Sean Ross, with a latest revision date of February, 2012.

A five page document submitted with the application and entitled, "Harvest Compliance Report - LAFCo" is the applicant's standard assessment form for monitoring compliance with a proposed harvest plan and environmental standards.

A copy of the project site map is attached as a part of this permit for easy reference. The original map referenced in this permit is the official plan for the project.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.

2. This permit is binding on the applicant, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan map referred to herein shall be furnished by the applicant or any subsequent owner or lessee to any contractor undertaking any portion of this project.
3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Forest Certification Standards

4. Authorization for the proposal described herein shall only remain valid so long as the applicant maintains a current Forest Stewardship Council or Sustainable Forestry Initiative Certification.

Best Management Practices

5. Where applicable, the applicant shall incorporate, at minimum, the standards contained within the "New York State Forestry Best Management Practices for Water Quality".

Post-Harvest Assessment

6. Within six months of completion of the timber harvesting proposal described herein, the applicant shall submit to the Agency a "Harvest Compliance Report", such as the assessment form referenced herein, documenting compliance with the harvest plan and best management practices.

Harvest Area

7. For the purposes of this proposal, all timber harvesting shall occur within the boundary of the delineated harvest area, as depicted on the project site map referenced herein.

Wetlands

8. No "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

Legal Interests of Others

9. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

FINDINGS OF FACT

Background/Prior History

1. The project site has not been the subject of any previous Agency action. The property is subject to the conditions of a New York State Sustainable Forestry Conservation Easement.
2. Lyme Adirondack Timberland's forestlands are located entirely within the Adirondack Park. The properties consist of 25 tracts ranging in size from 750 acres to more than 26,000 acres. The project site is situated within the largest of these, the 26,084 acre "Big Moose" tract. These forests are certified to the Forest Stewardship Council and Sustainable Forestry Initiative forest management standards.
3. The Agency recognizes that compliance with the Forest Stewardship Council and Sustainable Forestry Initiative certification programs requires landowners to meet strict standards for forest management that include assured regeneration of harvested areas, establishment and maintenance of sustainable harvest yields, protection of soil and water resources including establishment of riparian buffers, attention to aesthetic impacts, conservation of biological diversity, and protection of species and habitats of concern.

Existing Environmental Setting

4. The shelterwood system initiated on the project site in 1993 has helped establish advanced regeneration consisting of an average of more than 5,000 1"-5" DBH stems per acre of yellow birch (*Betula alleghaniensis*), American beech (*Fagus grandifolia*), red maple (*Acer rubrum*), black cherry (*Prunus serotina*) and sugar maple (*Acer saccharum*) within the proposed harvest area. The overstory is comprised of predominantly medium to large sawtimber-sized trees of the same species, with fair to poor crown condition and stem form. The average basal area per acre of 6"+ DBH stems is 35 square feet.
5. The mature overstory trees within the harvest area are in decline. The precise cause of decline is unknown, but may be influenced by a number of factors, including age, weather conditions and acid precipitation.

6. Detailed soils data are not available for this region of Herkimer County, but the meso-soils classification provided by USDA indicates soils on the project site are in the Lyman series. These soils are characterized as being "somewhat excessively drained", and having a shallow depth to bedrock.
7. Slopes in excess of 25% exist along southern portions of the project site.
8. There is a privately owned cabin situated within the project site. A 100 foot no-cut buffer has been established and field delineated around this structure. Additionally, the project site is within the boundaries of three recreational use lease parcels. The cabin owner and lease holders will be notified by Lyme Timber in advance of the proposed operation. The Conservation Easement clearly establishes sustainable forestry as the primary use of the encumbered lands, allowing for compatible private recreation through lease use agreements, so long as those uses do not interfere with forest management activities.

Harvest Methods

9. The harvest methodology (mechanized or manual) will not be known until a contractor is hired to complete the proposed harvest. The applicant anticipates that, whichever method is to be used, there will be no significant difference in the quality or quantity of the remaining stems following harvest.
10. The conditions, findings of fact and project impacts described herein apply equally to either a mechanized or manual harvest methodology.

Pesticide and Herbicide Use

11. No pesticide or herbicide use is proposed and no such use is authorized herein.

Hazardous Materials

12. Hazardous materials, including fuel, oil, and hydraulic fluid, will be managed in accordance with the New York State Forestry Best Management Practices for Water Quality, and New York State Department of Environmental Conservation regulations. This includes proper techniques for storage and disposal of hazardous materials, and appropriate response to spill remediation.

Public Notice and Comment

13. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act

and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. Three comment letters were received.

Other Regulatory Permits and Approvals

14. The Local Government Notice Form submitted with the application materials indicates that no municipal approval is required for this project.
15. Forest Stewardship Council and Sustainable Forestry Initiative certified forestlands are subject to regular review by independent auditors, charged with verifying compliance with the standards of the program. The audit reports are required under each certification standard to be made available to the public.
16. This particular proposal does not require New York State Department of Environmental Conservation (DEC) review, but the New York State Sustainable Forestry Conservation Easement encumbering the property grants DEC the right to schedule inspections to determine compliance with the terms of the easement.
17. The Sustainable Forestry Conservation Easement grants the land owner the right to conduct forest management activities on the property, provided such activities comply with a qualifying forestry certification program, such as the Forest Stewardship Council and Sustainable Forestry Initiative certifications.

Economic/Fiscal Factors

18. Data and analysis provided in the Forest Management Plan referenced herein indicate that historic attempts by foresters to retain a minimum residual basal area of greater than 30 square feet per acre in the 6" DBH class and above has created a great deal of "de facto" shelterwood systems in forests managed by Lyme Timber. As these shelterwood systems have matured, overstory removal harvests are increasingly necessary to release the regeneration, and harvest mature trees as they reach rotational age.
19. The applicant and other timber industry representatives have mentioned the economic importance and need for a permit review process that can respond to recognized treatment needs and fluctuating markets in a timely and efficient manner.

The review efficiency of this project was greatly assisted by the pre-application process, which enabled Agency staff to discuss review requirements with the applicant prior to application submission. The applicant then presented staff with substantial, quality information, enabling a prompt determination of completion. The total time frame associated with this proposal,

from the first pre-application meeting on September 17, 2013, through receipt of the application on November 4, the completion determination on November 12, and the presentation before the Agency Board on December 12, was 86 days.

20. The resource extraction industry is an integral sector of Herkimer County's economy. 3.4% of all workers in the county are employed in the agriculture, forestry, fishing and hunting, and mining industries. This is about five and one half as many people employed in this industry than a typical New York region.

The Town of Webb is also reliant upon this industry, with 2.1% of the town's workforce employed in resource extraction. This is about three and one half times as many people employed in this industry than an average New York municipality.

PROJECT IMPACTS

Wetlands

21. There are no wetlands on the project site, but there are wetlands adjacent to the project site. The harvest boundary, which defines the project site, has been established to maintain a minimum 25 foot no-cut buffer to wetlands.
22. In addition to the 25 foot buffer established by the harvest boundary, standard practice for Lyme Timber as outlined in the Forest Management Plan calls for establishment of a 100 foot Riparian Management Zone (RMZ) around wetlands wherein cutting and operation of machinery is limited. The applicant also applies the New York State Forestry Best Management Practices for Water Quality within these zones.

Water Resources

23. There are no new stream crossings or culverts proposed.
24. There are no water bodies present on the project site, but there is a non-navigable, first order stream adjacent to the project site. The harvest boundary has been established to maintain a minimum 25 foot no-cut buffer to the stream.
25. In addition to the 25 foot buffer established by the harvest boundary, standard practice for Lyme Timber as outlined in the Forest Management Plan calls for establishment of a 100 foot Riparian Management Zone (RMZ) adjacent to first order streams wherein cutting and operation of machinery is limited. The applicant also applies the New York State Forestry Best Management Practices for Water Quality within these zones.

Land Resources

26. Potential erosional impacts will be mitigated by application of the New York State Forestry Best Management Practices for Water Quality in the re-establishment of old skidder trails. Steep slopes will be avoided whenever possible.
27. The retention of an average of 2500 1"-5" DBH stems per acre will provide adequate vegetation to retain soils and protect against runoff.
28. The stumps of removed trees will remain in place, providing additional soil retention and runoff protection.
29. Extensive rutting from skidder or feller buncher activity is unlikely given the well-drained soils on the project site.

Wildlife Resources

30. The proposed harvest is consistent with Lyme Timber's landscape scale management goal, as described in the forest management plan referenced herein, to establish 5% young forest on each of its management tracts. The purpose of this goal is to create and maintain a mosaic of available habitats across the forested landscape to ensure existence of suitable habitat for both early and late successional dependent species.
31. In addition to the 5% goal, the forest management plan referenced herein states that Lyme's forest managers strive to increase stands of shade intolerant pioneer species hardwoods, an important compositional feature of wildlife and species diversity underrepresented in Adirondack forests.
32. There are no identified Natural Heritage sites within the harvest area.
33. The proposed retention of cavity, nest and den trees as well as standing snags will provide habitat for nesting birds, small mammals, and insects.
34. The proposed 25 foot buffer to adjacent wetlands and the stream established by the harvest boundary, as well as the 100 foot Riparian Management Zone (RMZ) will ensure that an undisturbed zone for wildlife access is maintained.

Open Space/Aesthetics

35. The harvest area is not visible from public roads.

36. The harvest area is situated within 26,084± acres of actively managed industrial timberlands. The visual impacts of the proposed harvest will not be particularly notable within this context.
37. The harvest area is primarily oriented on southeast facing slopes, toward the interior of the applicant's property. Potential visibility will, therefore, be primarily limited to areas within the applicant's landholding.
38. The existing regeneration, to be retained at an average of 2500 1"-5" DBH stems per acre, will provide immediate green-up, minimizing visual impacts from locations where the harvest may be visible.

Operational Issues Affecting Nearby Land Uses

39. The project site is situated within 26,084± acres of actively managed industrial timberlands, and is located greater than 1/2 mile east of the Independence River Wild Forest. The proposed timber harvesting will not have an adverse impact on public use of this State land.
40. The proposed timber harvesting will not result in any significant long term increase in traffic to and from the project site.

Historic Sites or Structures

41. According to mapping provided on the website of the New York State Office of Parks, Recreation and Historic Preservation, the project site is not located within an archaeologically sensitive area. Additionally, there are no structures greater than 50 years old located on the project site. Therefore, the project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing Section 14.09 of the New York State Historic Preservation Act of 1980.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Parts 574 and 573.7(d). The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

PERMIT issued this 16th day
of December, 2013


ADIRONDACK PARK AGENCY

BY: 

Richard E. Weber III
Deputy Director (Regulatory Programs)

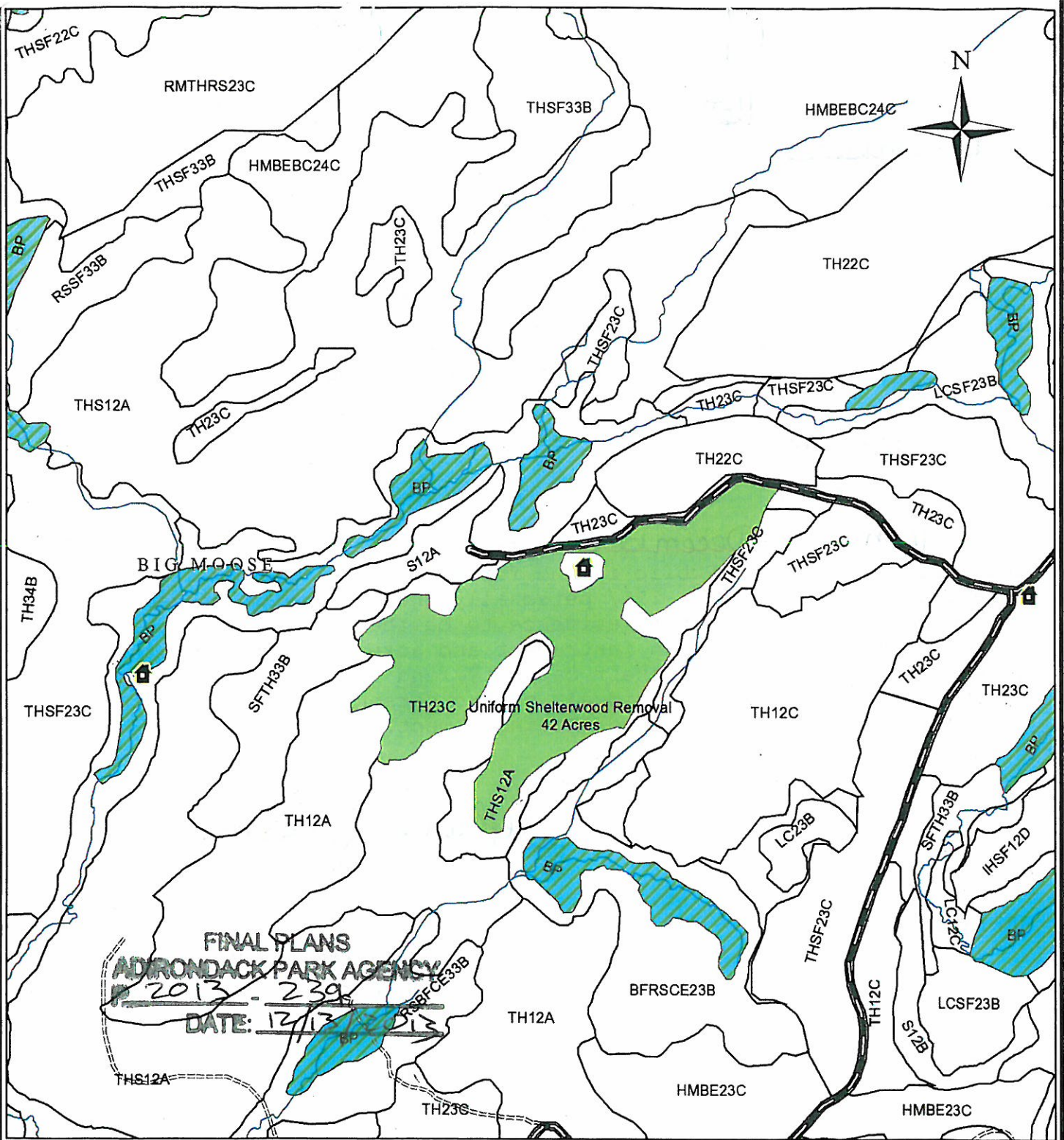
STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the 16th day of December in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

REW:ACZ:mlr:slp

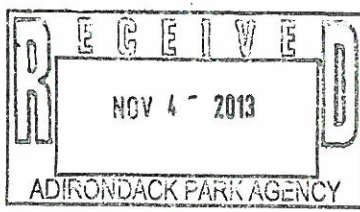
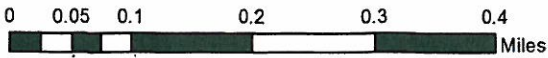
STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2017



FINAL PLANS
 ADIRONDACK PARK AGENCY
 2013 - 239
 DATE: 12/13/13

Birch Creek OSR

Prepared by: Eric Ross
 Date: 10/30/2013



- Legend**
- Lease Camp
 - Project Site
 - Stream
- Transportation Networks**
- | Class Name |
|--------------------|
| Primary Paved Road |
| Gravel Road |
| Secondary Road |
| Unimproved Road |
| Powerline |
| Railroad |
| Trail |
| Other |