

 <p>NEW YORK STATE Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 2014-100</p>
<p>In the Matter of the Application of LYME ADIRONDACK TIMBERLANDS I, LLC</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued:</p> <p>To the County Clerk: This permit must be recorded on or before _____. 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 twenty-five acres in size in an area classified Moderate Intensity Use, Low Intensity Use and Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, Franklin County.

This project may not be undertaken until this permit is recorded in the Franklin County Clerk's Office. This permit shall expire unless so recorded on or before _____ 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 twenty-five acres in size in an area classified Moderate Intensity Use, Low Intensity Use and Resource Management, a Class A regional project requiring an Agency permit pursuant to Sections 810(1)(b)(9), 810(1)(c)(9), 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 900±-acre portion of a 4,100±-acre parcel of land located in the Town of Tupper Lake, Franklin County, in an area classified Resource Management, Low Intensity Use and Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The 4,100±-acre parcel is identified on Town of Tupper Lake Tax Map Section 469, Block 1 as Parcel 1. The property is described in a deed from SP Forests, LLC, International Paper Company and IP Timberlands Operating Company, LTD to Lyme Adirondack Timberlands I, LLC dated March 5, 2007 which was recorded March 27, 2007 in the Franklin County Clerk's Office in Book 943 of Deeds at Page 47.

The 900±-acre project site includes acreage upon which no timber harvest is currently proposed. These areas include wetlands, haul roads, and areas harvested within the past 10 years that have been aggregated with the current proposal, pursuant to 9 NYCRR Part 573.7(b), to define the total area of the Agency's timber harvesting jurisdiction.

PROJECT DESCRIPTION AS PROPOSED

Lyme Adirondack Timberlands I, LLC propose timber harvesting on 642± acres, consisting of three distinct treatment types:

- **Free Thinning (149±-acres):** The silvicultural goal in these areas is to remove unacceptable growing stock and thereby release the best quality trees in all size and age classes. The existing overstory is fairly healthy and has a basal area of 88 ft²/acre. The existing understory has 2600+ stems per acre of 1"-5" diameter at breast height (dbh) trees. The post-harvest stand basal area will be 60+ ft²/acre, above the Agency's jurisdictional threshold of 30 ft²/acre, but the treatment area is located between areas greater than 8 acres in size which were harvested within the last 10 years. The proposed thinning will impinge upon the established 300 foot

no-cut buffer between these harvests, resulting in an aggregate of greater than 25 acres, requiring an Agency permit pursuant to the aggregation rule in the Agency's regulations at 573.7(b).

- **Salvage Harvest (258±-acres):** In these areas, the crowns of most of the sugar maple exhibit significant decline (30% to greater than 50% crown dieback), and the harvest is proposed to salvage timber value before further degradation occurs. The decline is likely a result of a mix of factors, including light ice storm damage in 1998, followed by a few years of forest tent caterpillar defoliation in the mid to late 2000's. The long term goal of the treatment is to create a multi-aged stand condition composed of healthy, free to grow stems, and to encourage regeneration of a diverse group of tree species including yellow birch (*Betula alleghaniensis*), black cherry (*Prunus serotina*), white ash (*Fraxinus americana*), and sugar maple (*Acer saccharum*). The residual condition of this stand will likely have 10-20 ft²/acre of basal area of trees 6-12" dbh, and about 1,000 stems per acre of trees 1-5" dbh. All yellow birch stems will be retained as a seed source, and all healthy 4" - 10" stems of desired species will be retained. Cavity, nest and den trees will also be retained for habitat purposes.
- **Shelterwood Removal with Reserves (234±-acres):** This proposed treatment is similar to the salvage treatment, but these areas have a higher average basal area per acre (70 - 78 ft²/acre). Again, the crowns of most of the sugar maple exhibit significant decline (30% to greater than 50% crown dieback). The proposed treatment is largely similar to that proposed for the salvage harvest, with a residual basal area of 10-20 ft²/acre of trees 6-12" dbh, and about 1,000 stems per acre of 1-5" dbh trees. All yellow birch stems will be retained as a seed source, and all healthy 4" - 10" stems of desired species will be retained. Cavity, nest and den trees will also be retained for habitat purposes.

The harvest boundaries will be field delineated by a professional forester. A logging crew under contract to the project sponsor will undertake the harvest, under regular supervision of a professional forester.

The harvest will be undertaken using standard mechanized logging equipment. Felling will be done using a feller buncher. A grapple skidder will transport logs to the landing. Saw logs will be loaded on a log truck, which will transport the logs to a nearby log concentration yard. Pulp wood will be chipped onsite and transported offsite by truck.

The harvest is projected to be undertaken during the fall, to provide soil scarification during the time of year when yellow birch drops seed. The proposed harvest will take about two months to complete once undertaken.

No new roads are proposed, as existing log roads will be used. Minor maintenance will be required to repair washouts and culverts. Skidder trails established during previous harvests will be re-opened and re-used. New skidder trails will be established in accordance with New York State Best Management Practices for Water Quality, and Lyme Timber's *Soil Disturbance Guidelines* document within their forest management plan.

The project site is shown on a map entitled "Haymeadow Pond Salvage," stamped as received by the Agency on June 27, 2014. The project sponsor will submit a revised map once the harvest boundaries have been field delineated.

The timber harvest plan is described in a six page document entitled "Timber Harvest Plan, Lyme Adirondack Forest Company," noted at the bottom of each page as "LAFCO Timber Harvest Plan: Haymeadow Pond Salvage," prepared by 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 completed report will be submitted to the Agency following the harvest.

A copy of the project site map is attached as a part of this permit. The revised plan submitted by the applicant within 60 days of delineation of the harvest boundaries will be 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 project sponsor, 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.

Forest Management Plan and Best Management Practices

The harvests described herein shall be undertaken under the supervision of a professional forester. The professional forester shall ensure that the applicant and all contractors undertake the project in accordance with the Forest Management Plan, and that, where applicable, the standards contained within the "New York State Forestry Best Management Practices for Water Quality" are incorporated.

Harvest Map

5. Within 60 days of the harvest area delineation, and prior to undertaking the harvest, a revised harvest plan map shall be submitted to the Agency, depicting the actual boundaries of the treatment areas.

Post-Harvest Assessment

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

Wetlands

7. 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

8. 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. Agency Permit 2005-0081 authorized construction and operation of a log storage, processing and sales yard, managed by the project sponsor, on the 4,100±-acre parcel. The property is subject to the conditions of a New York State Sustainable Forestry Conservation Easement, administered by the New York State Department of Environmental Conservation.
2. Lyme Adirondack Timberland's forestlands are located entirely within the Adirondack Park. The properties consist of twenty-five tracts ranging in size from 750 acres to more than 26,000 acres. The project site is situated within the 4,100±-acre "Altamont" tract. These forests are certified to the Forest Stewardship Council and Sustainable Forestry Initiative forest management standards. The current Forest Stewardship Council certification is valid until October, 2018, and the current Sustainable Forestry Initiative certification is valid until August 2015.
3. The Agency recognizes that compliance with the Forest Stewardship Council and Sustainable Forestry Initiative certification programs requires land owners 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.

4. The silvicultural treatments proposed herein could be conducted while leaving greater than 30 ft² average per acre of basal area across the area harvested, but doing so would require the applicant to leave behind a higher percentage of undesirable stems. The applicant sought an Agency permit to prevent management of these stands in avoidance of the regulatory threshold, and to enable their foresters to conduct the best sustainable forest management.
5. The "Forest Management Plan Lyme Adirondack Forest Company LLC, 2007-2017," prepared by Sean Ross, with a latest revision date of February, 2012 includes a physical description of the area and forest types as well as forest management goals, objectives and strategies. The plan addresses the maintenance and protection of biodiversity as well as conservation zones and protection areas. Soil disturbance and aesthetic guidelines and implementation of "New York State Forestry Best Management Practices for Water Quality" are also included in the plan.

Existing Environmental Setting

6. The project site is located in the southwest corner of Lyme Timber's Altamont tract, northwest of the Village of Tupper Lake. It is bordered to the west by industrial forestlands owned by Timbervest TVP II New York, LLC, to the south by privately owned residential properties, and to the east by a lumber mill and a concrete plant. The Altamont tract is accessed via the Pitchfork Pond Road, to the east of the parcel.
7. The area proposed for treatment was harvested using partial cuts by the previous owner in 2003 and 2005, leaving an estimated residual stand basal area of 50-60 ft² of small to medium sized hardwoods at that time. The harvest created conditions somewhat favorable for regeneration, and an understory of mixed hardwoods developed. However, most of the regeneration is beech which has become infected with scale disease. Due to the homogenous condition of the tract, the applicant attempted to increase age-class and species diversity with a series of regeneration cuts in 2007. A total of eight patch cuts, six of which were 6-8 acres in size, and two 12-14 acres in size, were conducted at that time. Today, these areas are dominated by free to grow mixed hardwood saplings approximately 5-10 feet tall.

8. Detailed soils data are not available for this region of Franklin County, but the meso-soils classification provided by USDA indicates soils on the project site vary widely, with very deep, well to moderately well drained soils in the Berkshire, Dixmont and Becket series found in upland areas, and more poorly drained soils in the Naumburg and Searsport series found in lowland and wetland areas.
9. The terrain across the project site is generally flat to gently rolling, with three low hilltops. Slopes across the project site are predominantly less than 8%, with limited slopes greater than 25% on the hillsides.
10. The conservation easement, administered by the Department of Environmental Conservation, which encumbers the property allows for recreational use by the general public. The conservation easement clearly establishes sustainable forestry as the primary use of the encumbered lands, allowing for compatible private recreation so long as those uses do not interfere with forest management activities. Area closures are used during harvesting operations.

Harvest Area

11. The harvest area depicted on the project site map referenced herein is based upon available GIS mapping, including wetland mapping. The actual harvest boundary will be field delineated by a professional forester in preparation for the harvest, and may differ slightly from the project site map as wetland boundaries are field verified.

Pesticide and Herbicide Use

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

Hazardous Materials

13. 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

14. 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. No comment letters have been received (As of 8/6/2014 with the Comment period ending 8/7/2014.)

Other Regulatory Permits and Approvals

15. The Local Government Notice Form submitted with the application materials indicates that no municipal approval is required for this project.
16. 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. Each certification standard requires that the audit reports are made available to the public.
17. 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.
18. 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

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.
20. The resource extraction industry is an integral sector of Franklin County's economy. 3.18% of all workers in the county are employed in the agriculture, forestry, fishing and hunting, and mining industries. This is about five times as many people employed in this industry than a typical New York region. The Town of Tupper Lake is also reliant upon this industry, with 2.2%

of the town's workforce employed in resource extraction. This is about four times as many people employed in this industry than an average New York municipality.

PROJECT IMPACTS

Wetlands

21. There are wetlands within the 900± acre project site, but no activity, such as expanding widths of existing haul roads, is proposed within wetlands. The harvest boundary will be field delineated to exclude wetlands from the operations area. A 100 foot Riparian Management Zone (RMZ) buffer around wetlands, wherein cutting and operation of machinery is limited, will be established and maintained. The RMZ is standard practice for Lyme Timber as outlined in their Forest Management Plan. The applicant also applies the New York State Forestry Best Management Practices for Water Quality within these zones.

Water Resources

22. There are no new stream crossings or culverts proposed. Road and culvert repair will be undertaken with no increase in the footprint of the existing roads.
23. 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 and second 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

24. Potential erosional impacts will be mitigated by application of the New York State Forestry Best Management Practices for Water Quality, as well as Lyme Timber's soil disturbance guidelines in the establishment of skidder trails.
25. Extensive rutting from machinery activity is unlikely given the well-drained upland soils within the harvest areas, and avoidance of wetland areas in establishment of the harvest boundary.
26. The stumps of removed trees will remain in place, providing soil retention and runoff protection.

Wildlife Resources

27. 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.
28. 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.
29. There are no identified Natural Heritage sites within the harvest area.
30. The proposed retention of cavity, nest and den trees as well as standing snags will provide habitat for nesting birds, small mammals, and insects.
31. The proposed 100 foot Riparian Management Zone (RMZ) adjacent to wetlands will ensure that a minimally disturbed zone for wildlife access is maintained.

Open Space/Aesthetics

32. The harvest area is not visible from public roads.
33. The harvest area is situated within 4,100± acres of actively managed industrial timberlands. The visual impacts of the proposed harvest will not be notable within this context.
34. Areas of the harvest site which approach adjoining property lines will be managed in accordance with the grievance resolution procedures contained in the forest management plan. These procedures include clear marking of property boundaries to prevent logging equipment from crossing into neighboring properties, and minimum stocking density guidelines in the area adjacent to the line.
35. Existing regeneration will provide immediate green-up, minimizing potential visual impacts from locations where the harvest may be visible.

Operational Issues Affecting Nearby Land Uses

36. The project site is situated within actively managed industrial timberlands, and adjacent to active timberlands under other ownership. Another active industrial use, a concrete plant, is located to the east. The proposal described herein is consistent with these uses.
37. 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

38. 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 day
of , 2014

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber, III Deputy Director
(Regulatory Programs)

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

On the day of in the year 2014, 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