

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>1133 NYS Route 986, P.O. Box 99 • Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p><b>APA Project Permit 2015-146</b></p>
<p>In the Matter of the Application of</p> <p><b>LYME ADIRONDACK TIMBERLANDS II, LLC</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 9, 2015</p>
	<p>To the County Clerk: This permit must be recorded on or before <b>December 8, 2015</b>. Please index this permit in the grantor index under the following names:</p> <p><b>1. Lyme Adirondack Timberlands II, LLC</b></p>

### SUMMARY AND AUTHORIZATION

This permit authorizes 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 Lake Pleasant, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before December 8, 2015 in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when the timber harvest is complete as conditioned herein.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

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

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

## **PROJECT SITE**

The project site is a 95±-acre portion of a 3,203 acre parcel, being a portion of 14,379 contiguously owned acres of forestland, in the Town of Lake Pleasant, Hamilton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Lake Pleasant Tax Map Section 96, Block 1 as Parcel 15.1. The site is described in a deed from SP Forests, LLC to Lyme Adirondack Timberlands II, LLC (“permittee” or “Lyme”), dated August 16, 2006, and recorded September 1, 2006 in the Hamilton County Clerk’s Office at Book 237, Page 832.

## **PROJECT DESCRIPTION**

The harvest prescription is a uniform clearcut to remove an overstory comprised of diseased, poorly formed stems, and an understory comprised of mostly beech seedlings and saplings. The treatment is designed to encourage establishment of new species in the understory and to replace a declining overstory with a vigorous young stand.

A 43±-acre portion of Lyme’s 14,379 acre Perkins Clearing Tract in the Town of Lake Pleasant will be treated, but the project site comprises a total of 95± acres, because adjacent patch cut areas harvested within the past 10 years have been aggregated to compute the overall jurisdictional threshold.

The overstory of the harvest area has an average basal area/acre of 113 ft<sup>2</sup>, composed of sugar maple, American beech, red spruce, yellow birch and red maple. A large portion of the overstory is comprised of unacceptable growing stock, exhibiting poor form, canker, beech bark disease, crown dieback and suppression.

Advanced regeneration and small poles in the understory total 2,000+ stems/acre, dominated by American beech. There are scattered pockets of more desirable regeneration that include yellow birch, black cherry and red maple saplings.

All stems will be harvested, with the exception of:

- Selected yellow birch, sugar maple and red spruce 10"-24" diameter at breast height (dbh) will be retained as a seed source;
- All hemlock will be retained for wildlife, structure and future snag or den trees;
- Pockets of desirable advanced regeneration comprised of yellow birch, black cherry and red maple saplings will be protected.

All wetland and stream areas will be buffered in accordance with Lyme’s forest management plan.

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 them to a log concentration yard. Pulp wood will be chipped on-site and transported off-site by truck.

No new roads or landings are proposed. Existing skidder trails will be reused, and will be maintained in accordance with New York State Best Management Practices for Water Quality, and Lyme's *Soil Disturbance Guidelines* document within their forest management plan.

The project site is shown on a map entitled "Miami River Flats Perkins Clearing Tract," which was included in the timber harvest plan materials, stamped as received by the Agency on August 27, 2015.

The timber harvest plan is described in a three page document entitled "Timber Harvest Plan, Lyme Adirondack Forest Company," noted at the bottom of each page as "LAFCO Timber Harvest Plan: Miami River Flats," prepared by Prentiss and Carlisle Forest Resource Management and Timberland Services (hereafter, "the Timber Harvest Plan").

Lyme's 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 (hereafter, "the Forest Management Plan").

A five page document entitled, "Harvest Compliance Report – LAFCo" is the permittee'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 for easy reference.

### **AGENCY JURISDICTION**

The project requires an Agency permit pursuant to Sections 809(2)(a), and 810(1)(e)(11) of the Adirondack Park Agency Act [Executive Law, Article 27], because it involves timber harvesting that includes a proposed clearcutting of a single unit of land of more than 25 acres on Resource Management and Rural Use lands. The jurisdictional project site is established pursuant to 9 NYCRR Part 573.7 (b)(1), because it involves timber harvesting within previously established 300' uncut separation areas between individual clearcut areas of eight acres or more.

### **CONDITIONS**

#### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Hamilton County Clerk's Office.

2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the activities described herein continue on the site. Copies of this permit and the Timber Harvest Plan shall be furnished by the permittee to all persons undertaking any of the activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act [Article 24 of the Environmental Conservation Law], and the Adirondack Park Agency's implementation regulations [9 NYCRR §§ 570-588].

#### **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, Timber Harvest Plan and Best Management Practices**

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

#### **Post-Harvest Assessment**

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

#### **FINDINGS OF FACT**

##### **Background/Prior History**

1. 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. The property is also 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 January, 2018.

2. 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.
3. The New York State Sustainable Forestry Conservation Easement allows for recreational use by leaseholders, but 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 harvest operations.
4. The Forest Management Plan 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, aesthetic guidelines, an integrated forest pest management plan and implementation of “New York State Forestry Best Management Practices for Water Quality” are also included in the plan.

#### **Existing Environmental Setting**

5. Lyme’s forestlands are located entirely within the Adirondack Park. Their 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 14,379 acre “Perkins Clearing Tract”, approximately six miles northwest of the village of Speculator, in the Town of Lake Pleasant. No private lands other than those owned by the permittee are in the vicinity. The project site is accessed via a private access road from the Jessup River Road.
6. The 43 acre harvest area was last harvested in 1999 by the previous landowner. The remainder of the 95 acre project site consists of adjacent patch clearcuts, ranging in size from 3 to 24 acres, harvested in 2009. These patch cuts have successfully regenerated with saplings and small poles, totaling 2,000+ stems/acre.
7. The soils on the project site are sandy and well drained, and the terrain is virtually flat.

#### **Water Resources**

8. There are no waterbodies on the project site. The northern boundary of the project site abuts an established buffer to the Miami River. An intermittent stream forms a portion of the eastern boundary of the project site.

### **Wetlands**

9. There are no jurisdictional wetlands on the project site. Wetlands adjacent to the project site will be buffered in accordance with Lyme's Forest Management Plan.

### **Wildlife/Habitat**

10. Mapping from the New York State Natural Heritage Program (NHP), indicates there are no rare plants, rare animals, or natural communities currently being tracked by the NHP on the project site.

### **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.

### **Historic Sites or Structures**

13. 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. There are no structures greater than 50 years old located on the project site.

### **Economic / Fiscal Factors**

14. The resource extraction industry is an integral sector of Hamilton County's economy. 1.2% of all workers in the county are employed in the agriculture, forestry, fishing and hunting, and mining industries. This is about twice as many people employed in this industry than a typical New York region.
15. The forestry industry supplies raw materials to many State value-added producers including the paper, wood pellet, wood chip, and furniture manufacturing industries.

### **Public Notice and Comment**

16. The Agency notified landowners in the vicinity of the project site and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. No comments were received.

### **Invasive Species**

17. No invasive species are known in the proposed harvest areas or were identified during the harvest layout process. Control and monitoring of invasive species are addressed in Lyme Timber Company's Integrated Pest Management Plan, contained within the Forest Management Plan. The plan includes steps to prevent, avoid, monitor and suppress the proliferation of invasive plants and insects on the entirety of Lyme's Adirondack ownership.

### **PROJECT IMPACTS**

#### **Visual**

18. The harvest area is situated within 14,379 acres of actively managed industrial timberlands. The visual impacts of the proposed harvest are consistent with existing visual impacts on these and nearby managed lands.
19. Areas of the harvest site which approach adjoining property lines will be managed in accordance with the 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. A 100 foot limited cut buffer will be observed in proximity to property lines.
20. Negative aesthetic impacts will be minimized by the shape of the harvest and the adjacent stands of well-established saplings left by previous harvesting.

### **Wetlands and Water Resources**

21. There are no wetlands or water bodies on the project site. Wetlands and water bodies adjacent to the project site will be buffered using a 100 foot Riparian Management Zone (RMZ), wherein cutting and operation of machinery is limited. The RMZ is standard practice for Lyme as outlined in their Forest Management Plan. The permittee also applies the NYS Forestry Best Management Practices for Water Quality within these zones. These practices will minimize impacts to water quality.

### **Soils/Erosion**

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

### **Wildlife Resources**

25. The proposed harvest is consistent with Lyme'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.
26. 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 under-represented in Adirondack forests.
27. The proposed retention of cavity, nest and den trees as well as standing snags will provide habitat for nesting birds, small mammals and insects.
28. Buffers to wetlands and water bodies created by the delineated harvest boundary, as well as the Lyme's standard 100 foot Riparian Management Zone (RMZ) adjacent to wetlands, will ensure that a minimally disturbed zone for wildlife access is maintained.

### **Historic Sites or Structures**

29. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

### **Operational Issues Affecting Nearby Land Uses**

30. The proposed timber harvesting will not result in any significant long term increase in traffic to and from the project site.



**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Resource Management Use land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the economic and social benefits that might be derived therefrom.

ORDER issued this        day  
of                   , 2015.

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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 2015, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

REW:ACZ:mlr