


THIS IS A TWO-SIDED DOCUMENT

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|  <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p> | <p>APA Permit 2019-0196</p> |
| | <p>Date Issued: December 13, 2019</p> |
| <p>In the Matter of the Application of</p> <p>LYME ADIRONDACK TIMBERLANDS II, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p> | <p>To the County Clerk: This permit must be recorded on or before February 11, 2020. Please index this permit in the grantor index under the following names</p> <p>1. Lyme Adirondack Timberlands II, LLC</p> |

SUMMARY AND AUTHORIZATION

This permit authorizes a timber harvest in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Towns of Arietta and Lake Pleasant, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before February 11, 2020, 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 above deadline for recording the permit. 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.

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.

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

PROJECT SITE

The project site a 643± acre portion of 14,379 contiguously owned acres of forestland, known as the Perkins Clearing Conservation Easement, in the Towns of Arietta and Lake Pleasant, Hamilton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The project site is situated on portions of three tax map parcels, as follows:

Town of Arietta Tax Map Section 103, Block 1 as Parcel 44.1;
Town of Arietta Tax Map Section 95, Block 1 as Parcel 19.1, and;
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 project as conditionally approved herein involves timber harvesting on 643± acres, consisting of two discrete silvicultural treatments based upon stand conditions and desired outcomes, described in detail below.

1. **Shelterwood removal with reserves (509± acres):** This stand was last treated in 2010 with a shelterwood establishment harvest. The overstory basal area is 66 ft² per acre, primarily comprised of mature sawtimber and unacceptable growing stock. The species composition is mixed northern hardwoods, including 38% beech, 30% sugar maple, 15% yellow birch, 5% red maple, and 5% spruce. 58% of the trees sampled (and 100% of the beech) were unacceptable growing stock due to damage, disease, dieback, and poor form.

The understory regeneration averages 3978 stems per acre between 1 and 5.5 inches diameter at breast height (dbh), comprised of 46% sugar maple, 23% beech and 13% yellow birch.

The goal of this treatment is to release the fully stocked understory of desirable northern hardwood stems. Overstory stems will be removed to provide sunlight and resources to the understory. Reserves will include all acceptable growing stock (future crop trees) less than 6 inches dbh and small sawtimber sugar maple and birch trees 10-14 inches dbh with healthy crowns and no damage.

2. **Free thinning (134± acres):** This stand was last treated in 2006 and/or 2010 with a free thinning. The overstory basal area is 93 ft²/acre is composed of beech, sugar maple, yellow birch, white ash, cherry, spruce and fir. As this is a thinning and not a regeneration harvest, the understory was not sampled.

The goal of this treatment is to provide ideal growing conditions for healthy, vigorous crop trees. Mature sugar maple, birch and cherry will be harvested. Beech, ash and unacceptable growing stock displaying poor form, disease, canker and dying tops will be harvested to capture mortality. The target residual basal area is 65 ft²/acre.

The property is subject to a NYS Working Forest Conservation Easement and is certified to the Forest Stewardship Council and Sustainable Forestry Initiative standards. The Forest Management Plan for the project site 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.

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 the forester.

The harvest will be undertaken using standard mechanized logging equipment. Felling will be done using a tracked 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 are proposed. Existing landings will be used. Existing skidder trails will be re-used where possible. New and existing skidder trails and landings will be established and maintained in accordance with New York State Best Management Practices for Water Quality, and Lyme's Soil Disturbance Guidelines document contained within the Forest Management Plan.

Special care will be taken to protect existing and potential snag, den, and cavity trees throughout the project site whenever possible.

Streams within the project site, and wetlands adjacent to the project site will be buffered in accordance with the Forest Management Plan, and consistent with NYS Forestry Best Management Practices for Water Quality.

Control and monitoring of invasive species are addressed in Lyme'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.

No pesticide or herbicide use is proposed and no such use is authorized herein. Hazardous materials, including fuel, oil, and hydraulic fluid, will be managed in accordance with the NYS Forestry Best Management Practices for Water Quality and NYSDEC regulations. This includes proper techniques for storage and disposal of hazardous materials, and appropriate response to spill remediation.

Areas of the harvest site that 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.

The project is shown on the following maps, plans, and reports:

- A map entitled “Camp 10 APA Clearcut Permit Map, Perkins Clearing Tract, Town of Arietta and Lake Pleasant,” received by the Agency on November 4, 2019 (the Project Site Map);
- A four-page document entitled “Timber Harvest Plan, Lyme Adirondack Forest Company,” noted at the bottom of each page as “LAFCO Timber Harvest Plan: Camp 10,” prepared by Lyme Adirondack Forest Company, LLC, and received by the Agency on November 4, 2019 (the Timber Harvest Plan); and
- A document entitled, “Forest Management Plan Lyme Adirondack Forest Company LLC, 2018-2028,” prepared by Sean Ross, with a latest revision date of June 2019, and received by the Agency on June 11, 2019 (the Forest Management Plan).

In addition, a five-page document 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 for easy reference. The original, full-scale maps and plans described above are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

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] and 9 NYCRR Section 573.7, because it involves timber harvesting that includes a proposed clearcutting of a single unit of land of more than 25 acres on lands classified as Resource Management.

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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. Authorization for the proposal described herein shall only remain valid so long as the permittee maintains a current Forest Stewardship Council or Sustainable Forestry Initiative Certification.
5. This permit authorizes the timber harvest described in the Timber Harvest Plan. Any change to the harvest shall require prior written authorization from the Agency.
6. The timber harvest shall comply with the standards contained within the Forest Management Plan and the "New York State Forestry Best Management Practices for Water Quality." The harvest shall be supervised by a professional forester.
7. Upon completion of the timber harvesting project authorized 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.

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, within the Town of Arietta:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town; and
- b. 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.

The Agency hereby finds that the project authorized as conditioned herein, within the Town of Lake Pleasant:

- 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 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.

PERMIT issued this day
of , 2019.

ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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