

THIS PERMIT DATED FEBRUARY 25, 2015 REPLACES
UNRECORDED PERMIT ISSUED FEBRUARY 19, 2015
THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 apa.ny.gov</p>	<p>APA Project Permit 2014-222</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: February 25, 2015</p> <p>To the County Clerk: This permit must be recorded on or before April 28, 2015. Please index this permit in the grantor index under the following names: 1. Lyme Adirondack Timberlands I, LLC</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 Long Lake, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before April 28, 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 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.

PROJECT SITE

The project site is a 240±-acre portion of a 6,161 acre parcel of land located south of Sabattis Road in the Town of Long Lake, 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 Long Lake Tax Map Section 8, Block 1 as Parcel 2.1, and is described in a deed from SP Forests, LLC to Lyme Adirondack Timberlands I, LLC, dated August 16, 2006, and recorded September 1, 2006 in the Hamilton County Clerk's Office at Book 237, Page 789.

PROJECT DESCRIPTION

The project as conditionally approved herein involves timber harvesting on 240 acres located in the southeast portion of Lyme's 6,161 acre Robinwood Tract in the Town of Long Lake. The harvest area is comprised of two areas, which will be treated with two different silvicultural prescriptions, as follows:

1. **Area One (112± acres)**: The goal in this area is to remove unacceptable, declining growing stock and establish a new stand composed of more desirable species with better health and vigor.

This stand averages 73 ft² basal area of 6"+ diameter at breast height (dbh) stems. Eighty percent of the existing overstory is composed of beech (67%), red maple (12%) and unmerchantable species (1%). Seventy six percent of the existing understory is composed of beech (64%) and red maple (12%). The overall health of the stand is very poor. The majority of the beech is diseased and has significant dieback, and most of the red maple and yellow birch has poor form and unhealthy tops.

Clearcuts with retention of yellow birch trees will be used to open the forest floor to sunlight and prepare a seed bed to establish new seedlings. Stems with the biggest, healthiest tops and healthy stems less than 12 inches dbh will be left as a seed source, and for structure and stand diversity. Red spruce that yields saw logs will also be harvested. Oversized stems and healthy stems less than 8 inches dbh will be left. Any healthy stems of desirable species such as black cherry, white ash, balsam fir, or white pine will be left for stand diversity.

Some acreage within the harvest area is inoperable terrain, comprised of rocky ledge and wet depressions. These areas will serve as harvest buffers, wildlife corridors and ecological inclusions.

A newly established stand composed of only 40% beech and a mix of species including yellow birch, red maple, black cherry, aspen, sugar maple and white ash is the desired outcome. The residual stand will have an average basal area of 10-15 ft²/acre of 6"+ dbh stems and 500+ stems per acre of 1-5" dbh stems.

2. **Area Two (128± acres)**: The goal in this area is to release an existing well-established understory of mixed northern hardwood saplings.

This stand averages 80 ft² basal area per acre of 6"+ diameter at breast height (dbh) stems. The overstory is composed of mature trees that are in decline and have significant crown damage. The understory is composed of an average of 3066 stems per acre of mostly desirable species, including sugar maple (37%) and yellow birch (28%). The overall health of the overstory is very poor. The majority of the yellow birch has dead leaders and the beech is diseased and has significant dieback.

A shelterwood removal harvest is prescribed, to remove merchantable stems 6" dbh and larger of all species, and all beech stems 4" dbh and larger.

Most of the acreage within the harvest area is rolling hills, making it relatively easy to protect advanced regeneration. Special care will be taken to leave seed trees, snag trees and cavity trees.

The residual stand will have an average basal area of 5-10 ft²/acre of 6"+ dbh stems and 2000+ stems per acre of 1-5" dbh stems.

The harvest boundaries have been 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 log concentration yard. Pulp wood will be chipped on-site and transported off-site by truck.

The harvest is projected to be undertaken during the winter months, taking advantage of frozen ground conditions to minimize soil disturbance. The harvest will be completed in four to six weeks once undertaken.

No new roads are proposed, as existing log roads will be used. 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.

Two landings are proposed, one existing and one new. Access to the new landing will require use of a temporary stream crossing. A portable bridge span will be used for the duration of the harvest activities.

The project site is shown on a map entitled "East Charley Pond - 2015 Robinwood Tract," which was included in the timber harvest plan materials, stamped as received by the Agency on December 16, 2014.

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: East Charley Pond 2015," prepared by Prentiss and Carlisle Forest Resource Management and Timberland Services.

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 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 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 lands.

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 harvest plan and best management practices.

FINDINGS OF FACT

1. This permit replaces P2014-222 replaces unrecorded Permit issued February 19, 2015 due to an error in the original permit language.

Background/Prior History

2. 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 August 2015.
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.
4. 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 harvesting operations.
5. 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 and implementation of "New York State Forestry Best Management Practices for Water Quality" are also included in the plan.

Existing Environmental Setting

1. Lyme Adirondack Timberland'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 in the eastern portion of the 6,161 acre "Robinwood" tract, approximately 3 miles northwest of Little Tupper Lake in the Town of Long Lake. It is bordered on all sides by forested, non-residential lands. A DEC easement runs through the property to the south, being the Lake Lila access road. The Robinwood tract is accessed via the Sabbatis Road, to the north of the project site.
2. The areas proposed for treatment were last harvested in 2002, by the previous owner. Area 1 was harvested using a partial cut, which left behind stands of poor quality, undesirable stems, dominated by diseased beech. Area 2 was harvested using a shelterwood establishment cut. The shelterwood treatment was successful, creating a fully stocked understory of mixed northern hardwoods averaging 3066 stems per acre. The overstory served its purpose, providing partial shade and seed for 12 years, but is now in decline.
3. Detailed soils mapping indicates the following soil series complexes are present on the project site: Tunbridge-Lyman complex, Becket-Tunbridge-Skerry complex, Hogback-Ricker complex, Rawsonville-Hogback complex, and Skerry-Adirondack complex. These soils, formed in glacial till, are primarily well drained, with shallow to moderately deep depths to bedrock. These soils are rocky, with areas of surface boulders.
4. The terrain across the project site varies greatly, with gentle slopes in the northwest, and steep slopes on the hillsides in the east.

Water Resources

5. Portions of the project site are located approximately 100 feet from the shoreline of East Charley Pond, a 26± acre waterbody located entirely on lands owned by the permittee. The timber harvesting authorized herein will be located greater than 100 feet from the mean high water mark, and will therefore comply with all of the shoreline restrictions established in §806 of the APA Act.

Wetlands

6. There are no jurisdictional wetlands within the field-delineated harvest boundary.

Wildlife/Habitat

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

Pesticide and Herbicide Use

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

Hazardous Materials

9. 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

10. 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

11. 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.
12. The forestry industry supplies raw materials to many State value-added producers including paper manufacturing, wood pellet manufacturing, wood chip, and furniture manufacturing industries.

Public Notice and Comment

13. 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. One comment letter was received, arguing that there is no silvicultural basis for these harvests, and that the proposal is not warranted by the application materials. Agency staff concluded that the provided harvest plans clearly describe the existing stands, and propose the use of well-studied, scientifically vetted silvicultural tools intended to yield specific management results. It is anticipated that these treatments will result in improved forest quality, value and health.

Impairment of Rights

14. 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 IMPACTS

Visual

15. The harvest area is situated within 6,161 acres of actively managed industrial timberlands. The visual impacts of the proposed harvest are consistent with existing visual impacts on these and adjoining managed lands.
16. The harvest area may be visible from heights of land on adjacent private properties. There may also be limited visibility of a portion of the harvest area on the south facing slope above East Charley Pond when viewed from the DEC Lake Lila access road easement to the south, but any potential visibility will be largely mitigated by intervening topography and existing vegetation.
17. 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.

18. Retention areas and areas inaccessible to machinery due to boulders and rock outcrops will break up the visual continuity of the harvest within Area 1. Existing regeneration within Area 2 will provide immediate green-up after removal of the overstory. This will minimize potential visual impacts from off-site locations.

Wetlands

19. There are no jurisdictional wetlands on the project site. The harvest boundary has been field delineated to exclude adjacent wetlands from the operations area. A 100 foot Riparian Management Zone (RMZ), 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 NYS Forestry Best Management Practices for Water Quality within these zones.

Water Resources

20. Multiple intermittent stream crossings are proposed, and will use temporary portable bridge spans. Operations will be conducted with frozen ground and snow cover, thereby minimizing potential erosional impacts to streambanks.
21. The field delineated harvest boundary maintains a minimum 50 foot buffer to wetlands, and a minimum 100 foot buffer to the shoreline of East Charley Pond. 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 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 upland soils within the harvest areas, avoidance of wetland areas in establishment of the harvest boundary, and conducting a winter harvest during frozen ground conditions.

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 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.
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 underrepresented 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 waterbodies created by the delineated harvest boundary, as well as the Lyme's standard 100 foot Riparian Management Zone (RMZ) adjacent to wetlands and waterbodies, 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 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.

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.

Notary Public

REW:ACZ:mlr:slp:mlr