

 Adirondack Park Agency 1133 NYS Route 86 P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 www.apa.ny.gov	APA Project Permit 2015-124 Date Issued: October 9, 2015
In the Matter of the Application of MWF ADIRONDACKS, LLC and THE MOLPUS WOODLANDS GROUP, LLC for a permit pursuant to §809 of the Adirondack Park Agency Act	To the County Clerk: This permit must be recorded on or before December 8, 2015. Please index this permit in the grantor index under the following: 1. MWF Adirondacks, LLC 2. The Molpus Woodlands Group, LLC

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 Colton, St. Lawrence County.

This permit shall expire unless recorded in the St. Lawrence 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 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 470±-acre portion of the “Conifer-Emporium” Conservation Easement, in the Town of Colton, St. Lawrence County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Piercefield Tax Map Section 206, Block 1 as Parcels 18.1 and 18.2, and is described in a deed from Rayonier Forest Resources, L.P to MWF Adirondacks, LLC, dated December 23, 2013, and recorded January 3, 2014 in the St. Lawrence County Clerk's Office under Instrument Number R-2014-00000065.

PROJECT DESCRIPTION

The project as conditionally approved herein involves timber harvesting on 470± acres, within the 8,000+ acre “Conifer-Emporium” Conservation Easement. The area proposed for treatment was last harvested with a shelterwood establishment treatment approximately 8 years ago by a previous owner. The shelterwood establishment has been successful, and now an overstory removal harvest is proposed for the entirety of the project site. All stems six inches diameter at breast height (dbh) and greater will be removed to release the regeneration that has grown in the understory. The regeneration is very well established at approximately 8,200 stems per acre, and is composed of a desirable species mix throughout the project site.

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. Pulp wood will be chipped on-site and transported off-site by truck.

No new roads are proposed. Minor maintenance is required to prepare the existing log roads and existing stream and wetland crossings. Existing landing areas will be re-established and widened for use in the proposed harvest. Skidder trails will be established in accordance with New York State Best Management Practices for Water Quality, and Sustainable Forestry Initiative (SFI) certification standards.

The project site is shown and described in the following documentation:

- A harvest plan map entitled “Plateau Clear Cut,” prepared by Nate Dickerson and dated July 13, 2015;
- A three page harvest plan entitled “Harvest Prescription Fact Sheet,” (“timber harvest plan”), prepared by Jeff Denkenberger and stamped as received by the Agency on August 6, 2015.

A copy of the harvest plan map is attached as a part of this permit for easy reference. The original maps and plans described in this paragraph 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 §§ 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 St. Lawrence 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 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 permittee maintains a current Sustainable Forestry Initiative Certification.

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 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 report, documenting compliance with the timber harvest plan and applicable 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 Sustainable Forestry Initiative forest management standard. The current Sustainable Forestry Initiative certification is valid until August 2017.
2. The Agency recognizes that compliance with the Sustainable Forestry Initiative certification program 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 the public, 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 will be used during the harvest operation.
4. The Molpus Woodlands Group, LLC conducts forest management for the lands of MWF Adirondacks, LLC. These lands include approximately 273,000 acres within the Adirondack Park.

Project Site

5. The project site is accessed via a private access road from New York State Route 3, approximately 2.5 miles south of New York State Route 3, and approximately 5 miles east of Cranberry Lake.
6. The Cranberry Lake Wild Forest, public lands owned by the State of New York, is adjacent to the project site to the south. There are no other ownerships within one half mile of the project site.

Vegetation

7. The area proposed for treatment was last harvested with a shelterwood establishment treatment approximately 8 years ago by a previous owner. Overstory health in the hardwood stands is poor. Crown decline is evident in most sugar maple and many black cherry stems. General decline and mortality is evident in most American beech stems due to Beech Bark Disease. Healthier stems of red maple and birch are generally reaching or exceeding financial maturity.

Regeneration is abundant, consisting of a mix of northern hardwoods saplings, predominately sugar maple, red maple, and black cherry, with pockets of northern hardwood poles. The area to be treated has approximately 8,000 stems per acre of desirable regeneration. The prescription for full removal of the overstory trees is intended to release the established regeneration.

Water Resources

8. There are several intermittent streams on the project site. These will be crossed with temporary bridging. The existing haul road uses several existing culvert crossings.

Wetlands

9. There are wetlands on the project site. No harvesting or operation of equipment is proposed within wetlands.

Wildlife/Habitat

10. There is no information from the New York State Natural Heritage Program (NHP) indicating that there are rare plants, animals, or natural communities currently being tracked 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.

Soils

13. Detailed soils mapping characterizes the soils on the project site as well drained, within the Potsdam soil series.

Slopes

14. The project site is generally flat, with very little topographic variation.

Historic Sites or Structures

15. There are no structures greater than 50 years old on or visible from the project site, and the site is not within an archeologically sensitive area as mapped by the Office of Parks, Recreation, and Historic Preservation.

Economic/Fiscal Factors

16. The resource extraction industry is an integral sector of St. Lawrence County's economy. Three percent 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.
17. The forestry industry supplies raw materials to many state value-added producers including the paper, wood pellet, wood chip, and furniture manufacturing industries.

Invasive Species

18. No invasive species are known in the proposed harvest areas, nor were any invasive species identified during the harvest layout process. The permittee conducts invasive species monitoring, management and eradication protocols in accordance with its invasive species management policy. These protocols include avoiding the use of equipment in identified areas of infestation, and appropriate means to arrest the spread of infestation.

At the anticipated harvest time, the logging contractor implementing this harvest, and the logging equipment to be used, will be coming directly from non-jurisdictional harvests on other timberlands owned by the permittee, wherein the above described protocols are implemented. These measures are appropriate and sufficient to address potential spread of invasive species.

Public Notice and Comment

19. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. The public comment ended on September 9, 2015. One comment letter was received, citing concerns with the quality of the Agency's review of this project. The Agency is satisfied that staff review of this project has resulted in findings of fact, potential impact analysis and permit conditions appropriate to the use and protection of the resources of the Adirondack Park.

PROJECT IMPACTS

Visual

20. The harvest area is situated within greater than 8,000 acres of actively managed industrial timberlands. Potential visual impacts of the proposed harvest are consistent with existing visual impacts on these and nearby managed lands.
21. Due to intervening topography and vegetation, the project site is not visible from nearby offsite locations.
22. The existing regeneration, exceeding 8,000 stems per acre, will provide for immediate green-up and continuity of forest coverage across the harvested area.

Habitat/Wetlands

23. Wildlife and snag trees will be retained, so long as they are not deemed by the logging crew to pose a hazard to operations. Inoperable terrain and streamside management zones will serve as overstory retention patches and will aid in maintaining vertical canopy diversity within the harvest area, and will ensure that a minimally disturbed zone for wildlife access is maintained.

24. Riparian Management Zones, wherein cutting and operation of machinery is limited, will be established and maintained. The permittee also applies the NYS Forestry Best Management Practices for Water Quality within these zones.

Soils/Surface Waters

25. Erosional impacts to soils and impacts to surface waters will be minimized through application of the NYS Forestry Best Management Practices for Water Quality where applicable across the project site. Establishment of Riparian Management Zones wherein cutting and operation of machinery is limited will minimize impacts to sensitive lowland soils and water quality.
26. Extensive rutting from machinery activity is unlikely given the well-drained soils on the project site, and exclusion of wetland areas from proposed operations.
27. The stumps of removed trees will remain in place, providing soil retention and runoff protection.

Historic Sites or Structures

28. 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.

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 and part 573.7. 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

