

 <b>Adirondack Park Agency</b>  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	<b>APA Project Permit 2016-0132</b>
	<b>Date Issued:</b>
<b>In the Matter of the Application of</b>  <b>ADIRONDACK LEAGUE CLUB</b> <b>Permittee</b>  for a permit pursuant to § 809 of the Adirondack Park Agency Act	<b>To the County Clerk: This permit must be recorded on or before</b> _____. <b>Please</b> <b>index this permit in the grantor</b> <b>index under the following</b> <b>names:</b> <b>1. Adirondack League Club</b>

### **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 on the Adirondack Park Land Use and Development Plan Map in the Town of Ohio, Herkimer County.

This permit shall expire unless recorded in the Herkimer County Clerk's Office on or before \_\_\_\_\_, 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.

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 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 115± acre portion of a total contiguous landholding of 37,000 acres in the Town of Ohio, Herkimer County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Ohio Tax Map Section 50, Block 2 as Parcels 2, 3 and 6, and is described in a deed from Mark M. Pomeroy and Emma I. Pomeroy to Adirondack League Club, dated August 1, 1890, and recorded August 4, 1890 in the Herkimer County Clerk's Office at Book 139, Page 600.

## **PROJECT DESCRIPTION**

The harvest prescription involves two discrete treatments, based upon stand conditions and desired outcomes, as follows:

1. **Overstory Removal (90± acres):** This treatment is prescribed for two portions of the project site. In 2005, a 70± acre stand was treated with the first stage of a shelterwood system, and a 20± acre stand was treated with the first stage of a seed tree system. These stands were separated by a minimum 300 foot uncut buffer, and the residual basal area of the 6" diameter at breast height (dbh) trees within the 70± acre stand exceeded 30 ft<sup>2</sup>/acre, therefore the 2005 harvest was non-jurisdictional to the Agency.

The overstory trees in these areas comprise an average of 32 ft<sup>2</sup> of basal area per acre. The species composition is red maple, hemlock, yellow birch, sugar maple, and spruce. The understory regeneration is comprised of 9780 stems per acre, at a height of 10 – 15' tall. The regeneration species composition is beech, red maple, yellow birch, striped maple, black cherry, spruce, and sugar maple.

The harvest prescription is for an overstory removal to release the well-established understory, which is well stocked with desirable species. The regeneration is tall and flexible, which will minimize damage as the overstory is removed. Three to four standing dead and/or living cull trees per acre, in addition to hemlock, will be retained for wildlife needs.

2. **Shelterwood Establishment (25± acres):** This treatment is prescribed for the area within the 300 foot buffer retained between the 70 and 20 acre stands during the 2005 harvest. The area was last harvested in 1988.

The overstory trees in this area comprise an average of 108 ft<sup>2</sup>/acre of basal area per acre. The species composition is beech, red maple, sugar maple, yellow birch and spruce. The overstory is largely unacceptable growing stock. Beech bark disease, maple bore, and canker are prevalent. The understory is primarily beech and spruce.

The harvest prescription is for a shelterwood establishment. The residual basal area will be 30 ft<sup>2</sup>/acre, comprised of healthy sugar maple, yellow birch, red maple, and hemlock. The residual trees will produce seed for establishment of a new stand, establishing early successional habitat and positive regeneration.

The harvest boundaries will be field-delineated by a professional forester, using red flagging and orange paint. Trees to be harvested will be marked with blue paint, and trees to be retained will be marked with red paint.

A logging crew under contract to the project sponsor will undertake the harvest, under regular supervision of the forester.

Stream areas adjacent to the project site will be buffered in accordance with the Adirondack League Club's Forest Management Plan, and in accordance with the "New York State Forestry Best Management Practices for Water Quality."

Depending upon the contractor hired, the harvest will be undertaken either with fully mechanized equipment, such as a feller-buncher, or with chainsaws and cable skidders. A skidder will transport logs to the landing. Saw logs will be loaded on a log truck which will transport them offsite. Pulp wood will be chipped on-site and transported off-site by truck.

No new roads are proposed. Existing landings will be used if possible. 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 the policies outlined in the Forest Management Plan.

The project site is shown on a harvest plan map entitled "South Ohio Tract, Stand SO-9 and SO-6," printed at a scale of 1:24,000 and stamped as received by the Agency on June 6, 2016 (hereafter, "the Harvest Plan Map").

The timber harvest plan is described in a two page document entitled "Adirondack League Club Timber Harvest Plan" (hereafter, "the Timber Harvest Plan"). A one page cover sheet to the Timber Harvest Plan is entitled, "Adirondack League Club Summary of Harvest Plan."

The Adirondack League Club forest management plan is a 313 page document entitled, "2011 Forest Management Report, Fifteen Year Plan for Natural Resource Management Activities," prepared by Kevin Virkler, and dated December 1, 2011 (hereafter, "the Forest Management Plan").

The Adirondack League Club invasive species management plan is an 8 page document entitled, "Invasive Species Management Protocols," dated May 10, 2016.

A copy of the Harvest Plan Map is attached as a part of this permit for easy reference. The original, map described in this paragraph is the official plan 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 of the Adirondack Park Agency Rules and Regulations 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 Herkimer 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].

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

4. The harvest described herein shall be undertaken under the supervision of a forester. The forester shall ensure that the permittee and all contractors undertake the project in accordance with the Forest Management Plan and 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**

5. Within six months of completion of the timber harvesting project described herein, the permittee shall contact the Agency to conduct a post-harvest compliance assessment, to evaluate compliance with the Timber Harvest Plan, Forest Management Plan and the New York State Best Management Practices for Water Quality.

### **FINDINGS OF FACT**

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

1. The Adirondack League Club is a New York Not-for-Profit Corporation established in 1890. Its corporate purpose is to preserve its forests, to protect its fish and game, to establish and promote scientific forestry, and to maintain a preserve for the rest and recreation of its members.
2. The Adirondack League Club actively manages its lands for forestry purposes. Article I of the Adirondack League Club Constitution provides for the establishment and promotion of an improved system of scientific forestry and the maintenance of a forest preserve for the benefit of its members for the purpose of hunting, fishing, rest and recreation. The forestry program is managed by a full-time professional forester. The program is designed to promote a healthy vital forest, to provide for proper re-generation and timber stand improvement, to aid in the propagation of wildlife and to improve accessibility to all areas of the Club's preserve. The Adirondack League Club actively encourages scientific research on its lands. Ongoing research programs include studies in forest regeneration and acid precipitation.
3. The Forest Management Plan includes a physical description of the area and forest types as well as forest management goals, objectives and anticipated harvest schedules. The plan addresses the protection of water quality, soils, special protection areas, and aesthetic guidelines. A forest pest management plan and implementation of "New York State Forestry Best Management Practices for Water Quality" are also included in the plan.

#### **Project Site**

4. Adirondack League Club owns more than 50,000 acres of land in the Towns of Webb and Ohio in Herkimer County and the Town of Morehouse in Hamilton County. The lands are in two non-contiguous tracts, with the northern tract (37,000± acres) in Webb and Ohio just south of Old Forge and the southern tract (15,000± acres) in Ohio and Morehouse. The project site is situated within the northern tract, approximately 6 miles south of Old Forge. There are no public or private lands, other than those owned by Adirondack League Club, in the vicinity. The project site is accessed via the South Shore Road, and thereafter by private

roads on Adirondack League Club property. These are privately owned lands, with no public access.

#### **Water Resources**

5. There are no waterbodies on the project site. All waterbodies adjacent to the project site will be buffered in accordance with the Timber Harvest Plan and the Forest Management Plan.

#### **Wildlife/Habitat**

6. According to mapping provided by the New York State Natural Heritage Program (NHP), there are no rare plants, rare animals, or natural communities currently being tracked by the NHP on the project site.

#### **Vegetation**

7. The 2005 shelterwood establishment and seed tree establishment harvests have been successful in creating a well-stocked understory comprised of desirable species 10-15 feet tall. The re-generation species composition is beech, red maple, yellow birch, striped maple, black cherry, spruce, and sugar maple. The overstory removal harvest will release the understory to grow freely.

#### **Soils and Slopes**

8. The soils on the project site are in the Adams soil series, formed in sand and gravel deposits, and are characterized as deep and somewhat excessively drained. The terrain ranges from flat to rolling.

#### **Pesticide and Herbicide Use**

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

#### **Hazardous Materials**

10. 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.

#### **Historic Sites or Structures**

11. By letter dated March 23, 2016, the New York State Office of Parks, Recreation and Historic Preservation determined that the project will have no impact upon the cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

### **Economic / Fiscal Factors**

12. 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**

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. No comments were received.

### **Invasive Species**

14. Control of invasive species is addressed in Adirondack League Club's "Invasive Species Management Protocols". The plan includes steps to minimize the risk of spreading invasive species during field and management activities.

## **PROJECT IMPACTS**

### **Visual**

15. The harvest area will not be visible from publically accessible off-site locations. Additionally, the harvest boundary has been delineated to include a 200' no cut buffer to the private access road, to control potential visual impacts to Adirondack League Club members.

### **Wildlife Resources**

16. As described in the Forest Management Plan, creation of early succession forests on Adirondack League Club's ownership is a strategy to improve habitat for game species. Completion of the shelterwood and seed tree harvests undertaken in 2005, and undertaking a shelterwood establishment on the remaining area of the project site are directly related to this goal.
17. The proposed retention of standing dead and/or living cull trees per acre will provide habitat for nesting birds, small mammals and insects.
18. Buffers to water bodies created by the delineated harvest boundary will ensure that a minimally disturbed zone for wildlife access is maintained.

### **Soils/Erosion**

19. Potential erosional impacts will be mitigated by application of the New York State Forestry Best Management Practices for Water Quality, especially in the establishment and reuse of existing skidder trails.

20. Extensive rutting from machinery activity is unlikely given the anticipated winter harvest schedule, when soils will be frozen.
21. The stumps of removed trees will remain in place, providing soil retention and runoff protection.

### **Historic Sites or Structures**

22. 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.

### **Nearby Land Uses**

23. 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, the Freshwater Wetlands Act and 9 NYCRR Part 578, 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.



