

**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 Project Permit <b>2016-0186</b></p>
<p>In the Matter of the Application of</p> <p><b>LYME ADIRONDACK TIMBERLANDS I, LLC</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: January 13, 2017</p> <p>To the County Clerk: This permit must be recorded on or before March 14, 2017. Please index this permit in the grantor index under the following names :</p> <p><b>1. Lyme Adirondack Timberlands I, 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 Low Intensity Use and Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Black Brook, Clinton County.

This permit shall expire unless recorded in the Clinton County Clerk's Office on or before March 14, 2017, 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 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 is a 295± acre portion of a 644± acre parcel of land, further being a portion of Lyme's 16,898± acre Black Brook Tract. The project site is located between Silver Lake Road and Turnpike Road, in the Town of Black Brook, Clinton County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Black Brook Tax Map Section 320, Block 2 as Parcel 1.1, and is described in a deed from SP Forests, LLC to Lyme Adirondack Timberlands I, LLC, dated August 16, 2016 and recorded August 31, 2016 in the Clinton County Clerk's Office under Instrument Number 2006-00197892.

## **PROJECT DESCRIPTION**

The project site was last treated in the year 2000, when a salvage harvest was conducted to reap the remaining value of heavily damaged trees resulting from the ice storm of 1998. Less damaged trees were not removed, in the hope that value could be retained, but today, the overstory is occupied by a large percentage of undesirable stems that display poor form, canker, beech bark disease, crown dieback or defect.

The project as conditionally approved herein involves three discrete silvicultural treatments, based upon stand conditions and desired outcomes as follows:

1. **Free Thinning (135.44 acres)**: This area, being at a lower elevation than the other treatment areas, wasn't as heavily damaged during the ice storm, and therefore the harvest in 2000 was relatively light in this stand. The basal area of the overstory is stocked at 95 ft<sup>2</sup>/acre, 40 ft<sup>2</sup>/acre of which is unacceptable growing stock (trees exhibiting poor form, canker, beech bark disease or dieback). Species composition is 25% soft maple, 20% hard maple, 10% red oak, 10% spruce/fir, and 10% beech; the remainder is hemlock, white birch, basswood, yellow birch, white ash, and black cherry. The terrain is mostly flat, working toward a moderate slope.

The goal in this stand is to remove unacceptable growing stock, and create favorable growing conditions for the healthiest, most vigorous stems. The thinning will remove the poorest quality stems regardless of size, crown position or species, leaving a residual basal area of 50 ft<sup>2</sup>/acre composed of the healthiest stems.

2. **Clearcut with Reserves (114.5 acres)**: This area is upslope of the thinning areas. The 2000 harvest focused on salvage removal of heavily damaged trees. The basal area of the overstory is stocked at 57 ft<sup>2</sup>/acre, 39 ft<sup>2</sup>/acre of which is unacceptable growing stock. Species composition is 40% beech, 30% hard maple, 10% white ash, 5% soft maple; the remainder is ironwood, red oak, aspen and yellow birch. The understory is composed of 2460 seedlings and saplings per acre, composed of 75% beech, 10% hard maple, 10% white ash and 5% yellow birch. The terrain is flat to moderately sloped.

The goal in this stand is to harvest poor quality stems and undesirable saplings (beech) to provide improved growing conditions for healthy stems and desirable understory species.

Due to the lack of crop trees, the stand will be regenerated using a clearcut with reserves. Reserve trees will include sugar maple pole stems with crop tree value, birch trees as a seed source and cavity trees for wildlife value. Reserve trees will account for 10-20 ft<sup>2</sup>/acre of basal area. Efforts will be made to utilize as much of the beech understory and mid story as possible to promote understory diversity.

3. ***Shelterwood Removal Cut with Reserves (43.2 acres)***: This area is upslope of the clearcut area, and has a higher proportion of desirable regeneration in the understory. The overstory stocking is similar to the clearcut area, but there is a higher proportion of oak represented. The terrain is moderately sloped, with the upslope edge of the harvest area running into steeper, inoperable terrain, with rock outcrops.

The goal in this stand is to harvest the overstory trees to provide improved growing conditions for healthy stems and desirable understory species.

Reserve trees will include sugar maple pole stems with crop tree value, birch trees as a seed source and cavity trees for wildlife value. Reserve trees will account for 10-20 ft<sup>2</sup>/acre of basal area. Efforts will be made to protect favorable regeneration in the understory.

Special care will be taken to leave seed trees, snag trees and cavity trees.

Wetland and stream areas adjacent to the project site 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 the 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 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 within their forest management plan.

The project site is shown on a map entitled "Pelkey East, Black Brook Tract, Town of Black Brook," received by the Agency on September 26, 2016.

The timber harvest plan is described in a three page document entitled “Timber Harvest Plan, Lyme Adirondack Forest Company LLC,” noted at the bottom of each page as “LAFCO Timber Harvest Plan: Pelkey East,” (hereafter, “the Timber Harvest Plan”) prepared by Lyme Adirondack Forest Company, LLC.

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 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 in this section 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), 810(1)(c)(9), and 810 (1)(d)(10) 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 Low Intensity Use and Rural Use.

### **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 Clinton 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 permittee maintains a current Forest Stewardship Council or Sustainable Forestry Initiative Certification.

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

5. The harvest described herein shall be undertaken under the supervision of a professional 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**

6. Upon completion of the timber harvesting project 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 NYS Sustainable Forestry Conservation Easement, administered by the NYS Department of Environmental Conservation (NYSDEC). 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 NYS 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 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 New York State forestlands are located entirely within the Adirondack Park. Their properties consist of 25 tracts ranging in size from 750 acres to more than 26,000 acres. The project site is situated within the 16,898± acre Black Brook Tract, approximately 6.5 miles northwest of the village of AuSable Forks, in the Town of Black Brook. Private lands in the vicinity include seasonal camps and year-round residences, as well as agricultural and open space forest land. State lands in the Taylor Pond Wild Forest, and the Taylor Pond State Campground are approximately 1 mile to the west. The project site is situated between and accessed by Silver Lake Road (a county road) and Turnpike Road (a town road).
6. About 75 acres of the project site were treated in 2000, with a harvest aimed at salvaging the remaining value of trees that were heavily damaged during the ice storm of 1998. Less damaged trees were not removed, in the hope that value could be retained, but today, the overstory is occupied by a large percentage of undesirable stems that display poor form, canker, beech bark disease, crown dieback or defect.
7. At lower elevations, the soils on the project site are in the Fernlake and Sunapee soil series, characterized as deep and moderately to somewhat excessively drained. Upslope, the soils are in the Becket and Becket-Tunbridge soil series, characterized as well drained, but becoming shallower as the slope increases.
8. The project site is situated on the east slope of Pelkey and Little Pelkey Mountain, with a peak elevation of 1982 feet. The maximum elevation of the proposed harvest is approximately 1800 feet. The terrain ranges from nearly flat to steep, with slopes exceeding 40% near the western edge of the project site.

### **Wetlands and Water Resources**

9. There are no wetlands or waterbodies on the project site. All waterbodies adjacent to the project site will be buffered in accordance with Lyme’s Forest Management Plan.

### **Wildlife/Habitat**

10. Mapping from the NYS Natural Heritage Program (NHP), indicates the project site is within an area designated as a “Significant New York Community.” No rare plants or rare animals are 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 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**

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 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**

15. 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, indicating concerns about erosion and impacts to wildlife. These concerns are addressed by this permit, by the plan approved herein, by adherence to best management practices and by the permittee's Forest Management Plan.

**Invasive Species**

16. 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.

**PROJECT IMPACTS**

**Visual**

17. An upslope portion of the western edge of the harvest area will be visible along an approximately 1 mile portion of the westbound approach on Silver Lake Road. At the posted speed limit of 55 miles per hour, the harvest area will be visible to approaching vehicles for approximately 1 minute.

Silver Lake Road is a moderately well-traveled rural road. Traffic count data for this road segment provided by the Clinton County Highway Department measured a range between 260 and 340 vehicles per day.

The heaviest harvesting will occur below an elevation of approximately 1500 feet, and will be largely out of site from this perspective. The more visible harvest area, above an elevation of approximately 1500 feet, will be treated with a shelterwood removal with reserves. Healthy overstory trees with crop tree value will be retained. Desirable existing regeneration will be retained and protected at a higher proportion than downslope portions of the project site. Specific areas of higher overstory tree retention, generally consisting of clusters of 2-6 trees, have been field marked and mapped by a Lyme forester. The retained overstory trees, as well as existing favorable regeneration to be protected, will soften the visual impact, and provide immediate green-up of the site in successive growing seasons.

18. The project site is situated within 16,898 acres of actively managed industrial timberlands. These lands have an extensive history as working forest, and are integral to the open space character of the region. Any visual impacts of the proposed harvest are temporary, as it is anticipated that a dense, early successional forest will be established within 10 years from harvest completion. These impacts are consistent with existing visual impacts on these and other nearby managed lands.
19. 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. A 100' limited cut buffer will be observed in proximity to property lines.

#### **Wetlands and Water Resources**

20. Wetlands and water bodies adjacent to the project site will be buffered using a 100' 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. All of these practices will minimize impacts to water quality.

#### **Soils/Erosion**

21. Potential erosional impacts will be mitigated by application of the NYS Forestry Best Management Practices for Water Quality, as well as Lyme's soil disturbance guidelines in the establishment of skidder trails.

22. Extensive rutting from machinery activity is unlikely given the generally well-drained soils on the project site and avoidance of wetland areas in establishment of the harvest boundary and buffer zones.
23. The stumps of removed trees will remain in place, providing soil retention and runoff protection.

#### **Wildlife/Habitat**

24. The project site is located outside the core of the NHP designated "Significant New York Community," on lands which have been historically logged. In consultation with NHP, the Agency has determined that the project site is not a prime example of this significant community. Moreover, the proposed harvest will not eliminate the characteristic species of this community type.
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 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 Low Intensity and Rural Land Use Areas;
- c. will be consistent with the overall intensity guidelines for the Low Intensity and Rural Land Use Areas;
- 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.

PERMIT issued this        day  
of                           , 2017.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Richard E. Weber III  
Deputy Director (Regulatory Programs)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the        day of                            in the year 2017, 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 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

REW:ACZ:slp