

THIS IS A TWO-SIDED DOCUMENT

 <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 Project Permit 2017-0133</p>
<p>In the Matter of the Application of</p> <p>LYME ADIRONDACK TIMBERLANDS I, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 16, 2017</p>
	<p>To the County Clerk: This permit must be recorded on or before December 15, 2017. Please index this permit in the grantor index under the following names:</p> <p>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 Webb, Herkimer County.

This permit shall expire unless recorded in the Herkimer County Clerk's Office on or before December 15, 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 obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The harvest area is a 260± acre portion of an 18,677± acre parcel which is located in the southeast corner of Lyme's 26,084± acre Big Moose Tract, in the Town of Webb, Herkimer County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The overall project site totals 730± acres, because it includes an adjacent 470± acre harvest site that was harvested in 2016. The project site is identified on Town of Webb Tax Map Section 33, Block 1 as Parcel 1. The project site is described in a deed from SP Forests L.L.C., International Paper Company and IP Timberlands Operating Company, LTD to Lyme Adirondack Timberlands I, LLC ("permittee" or "Lyme"), dated August 16, 2006, and recorded August 31, 2006 in the Herkimer County Clerk's Office at Book 1178, Page 153.

PROJECT DESCRIPTION

The harvest prescription is for a shelterwood removal with reserves on 260± acres. The majority of the project site was last harvested between 2006 and 2008 using shelterwood establishment silviculture, which resulted in a scattered overstory of 55 ft²/acre of basal area. Overstory species include American beech (51%), red maple (18%), sugar maple (14%), yellow birch (13%), and scattered red spruce and hemlock. Approximately 60% of the overstory is comprised of undesirable growing stock, and an additional 15% is mature. The shelterwood establishments from 10 years ago were successful in propagating a new, healthy stand of desirable northern hardwoods in the understory (>6000 stems/acre), consisting of yellow birch (38%), beech (37%), and red maple (25%).

The goal in the treatment area is to remove the poor quality overstory, while retaining a desirable seed source (yellow birch) to fill gaps created by the harvest. The overstory removal will release the desirable understory trees, and provide the sunlight and nutrients they need to thrive. Undertaking the harvest while the regeneration is young will allow it to grow back quickly if disturbed by harvesting activities. The resulting stand should be healthier and more vigorous.

Areas where beech occupies the majority of the understory will be flattened to provide openings for new regeneration. Quality red and sugar maple between 6" and 10" diameter at breast height (dbh) will also be retained within the overstory.

Special care will be taken to leave seed trees, snag trees and cavity trees for structure and habitat purposes.

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. An existing haul road to the south will require some re-grading and maintenance prior to the harvest. Existing landings will be used where 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 Lyme's *Soil Disturbance Guidelines* document within their forest management plan.

The project site is shown on a map entitled "Little Diamond Pond Permit, Big Moose Tract, Town of Webb," received by the Agency on July 27, 2017.

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: Little Diamond Pond Permit," (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.

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. The overall project site acreage has been determined pursuant to 9 NYCRR Section 573.7(b)(1).

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 [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. Agency Permit 2016-0137 authorized timber harvesting on acreage adjacent to the treatment described herein. The Agency issued a Permit Closure Report on September 25, 2017, certifying that the project had been completed in accordance with the terms of the permit.
2. 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.

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 NYS 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 harvest 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, 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

6. 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 in the southeastern corner of the 26,084 acre “Big Moose Tract”, approximately 8 miles northeast of the Hamlet of Old Forge, in the Town of Webb. The project site is bordered on the southeast by the Remsen – Lake Placid Travel Corridor, at a point on the east by the Fulton Chain Wild Forest, and is otherwise surrounded by lands owned by the applicant. The project site is accessed via the Big Moose Road.
7. The project site was last harvested between 2006 and 2008. The overstory basal area (trees 6” dbh and greater) is 55 ft²/acre and is comprised of beech, red maple, sugar maple, and yellow birch. 60% of the overstory is comprised of undesirable growing stock, and another 15% is mature. The understory is well stocked (>6000 stems/acre) with advanced regeneration consisting of yellow birch, beech, and red maple.
8. The soils on the project site are in the Rawsonville, Hogback, Mundalite and Knob Lock soil series, formed in loamy till, and are characterized as well-drained and deep to shallow. The terrain ranges from flat to moderate hills.

Water Resources

9. All waterbodies on and adjacent to the project site will be buffered in accordance with Lyme’s Forest Management Plan. There will be one temporary stream crossing, which will be implemented using NYS Forestry Best Management Practices for Water Quality.

Wildlife/Habitat

10. No rare plants or rare animals are currently being tracked by the NYS Natural Heritage Program 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. No comments were received.

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. The project site is situated within 26,084 acres of actively managed industrial timberlands. Any visual impacts of the proposed harvest are temporary, and are consistent with existing visual impacts on these and nearby managed lands.

18. A 100 foot no-cut buffer will be observed adjacent to the Remsen - Lake Placid Travel Corridor.
19. The majority of the project site will be left with small to large saplings, interspersed with a considerable amount of large yellow birch seed trees and areas of desirable sugar maple and yellow birch pole timber. The result will be a well vegetated project site, composed of a mosaic of forest ages. This will reduce potential aesthetic impacts when viewed from off-site locations.

Wetlands and Water Resources

20. Wetlands and water bodies on and 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 Resources

24. 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.
25. 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.
26. The proposed retention of cavity, nest and den trees as well as standing snags will provide habitat for nesting birds, small mammals and insects.

27. 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

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.

Operational Issues Affecting Nearby Land Uses

29. The proposed timber harvesting will not result in any significant long term increase in traffic to and from the project site.
30. The harvest will not interfere with established snowmobile routes, because it will be undertaken during fall months.

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.

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 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:SLB:ACZ:lb:slp