

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>DRAFT APA Project Permit 2018-0153</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: XXXX</p> <p>To the County Clerk: This permit must be recorded on or before XXXX. 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 Rural Use and Resource Management Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, Franklin County.

This permit shall expire unless recorded in the Franklin County Clerk's Office on or before **XXXX**, 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 643± acre portion of a 4,598± acre parcel of land in the Town of Tupper Lake, Franklin County, in an area classified Rural Use and Resource Management Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 461, Block 1, Parcel 1, and is described in a deed from SP Forests, LLC, International Paper Company and IP Timberlands Operating Company, LTD to Lyme Adirondack Timberlands I, LLC (“permittee” or “Lyme”), dated August 25, 2006, and recorded August 31, 2006 in the Franklin County Clerk's Office at Book 924 on Page 165.

PROJECT DESCRIPTION

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

1. **Shelterwood Removal with Reserves (463± acres):** This harvest area is within forested uplands on the project site.

The overstory (trees 6 inches and greater diameter at breast height (dbh)) contains 72 ft² basal area per acre, composed of red maple (27.5%), balsam fir (25.5%), yellow birch (11.6%), quaking aspen (11%), white pine (7.4%), white birch (4.8%), sugar maple (3.7%), black cherry (3.1%), and smaller amounts of white ash, red spruce, eastern hemlock, American beech and eastern cedar. The overstory is composed of 66.3% unacceptable growing stock, displaying poor form, defects, poor or broken tops, seams, cankers, evidence of disease, and past logging damage.

The understory (trees 1-6 inches dbh) is well established, with 1200 stems per acre of the same species as the overstory.

The objective in this harvest area is to release the established understory and remove the poor quality overstory. Small openings will be created in pockets with higher basal area and little regeneration with a goal of adding a new age class to the stand structure. Yellow birch trees will be retained as a seed source, and eastern cedar and eastern hemlock will be retained for vertical diversity and as future habitat snag trees.

2. **Single Tree and Group Selection (180± acres):** This harvest area is within forested wetlands on the project site.

The overstory (trees 6 inches and greater dbh) contains 63 ft² basal area per acre, composed of balsam fir (47%), red maple (33%), quaking aspen (13%), and white birch (6%). The overstory is composed of 58% unacceptable growing stock, displaying poor form, defects, poor or broken tops, seams, cankers, evidence of disease, and past logging.

The understory (trees 1-6 inches dbh) is well established, with 1250 stems per acre of the same species as the overstory.

The objective in this harvest area is to capture value in select mature or poor-quality trees while simultaneously creating small openings to promote new growth.

Group selection will occur where at risk or mature balsam fir and spruce 8 inches and larger, and white pine 16 inch and larger exist. Yellow birch will be left as a seed source, and eastern cedar and eastern hemlock will be left for diversity and future snag trees.

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

There are wetlands on the project site, and harvest activities will be undertaken within forested wetlands. There will be no operations in low volume or non-forested wetlands.

The harvest is proposed to be undertaken in winter conditions, with the ground fully frozen.

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. The existing haul road will be plowed off and allowed to freeze prior to beginning operations. Existing landings and skidder trails will be 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 is shown on the following maps, plans, and reports:

- The project site is shown on a map entitled "Easy Street 2019 Permit, Altamont Tract, Town of Tupper Lake," received by the Agency on October 1, 2018;
- The timber harvest plan is described in a five-page document entitled "Timber Harvest Plan, Lyme Adirondack Forest Company," noted at the bottom of each page as "LAFCO Timber Harvest Plan: Easy Street 2019," (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"); and
- 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 §§ 809(2)(a), 810(1)(d)(10), and 810(1)(e)(11) of the Adirondack Park Agency Act [Executive Law, Article 27], because the project involves timber harvesting that includes a proposed clearcutting of any single unit of land of more than 25 acres, in an area classified Rural Use and Resource Management Use by the Official Adirondack Park Land Use and Development Plan Map. 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 Franklin 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 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

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

5. Upon completion of the timber harvesting project described herein, the permittee shall submit to the Agency a post-harvest assessment form, 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 2023, and the current Sustainable Forestry Initiative certification is valid until January 2020.
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 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.
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 in the southern portion of the 4,598-acre “Altamont Tract”, approximately 1.25 miles north-northeast of downtown Tupper Lake. The project site is bordered on the south by residential lands, on the west by the Remsen – Lake Placid Travel Corridor, and on the north by other lands owned by the applicant. The project site is accessed via the Lead Pond Road.
6. Areas of the project site were last harvested between 15 and 20 years ago. The harvest area includes several different forest stands, including northern hardwoods, mixed wood, white pine, balsam flats, and forested wetlands.

7. The soils on the project site are in the Monadnock – Tunbridge – Sabattis, Sunapee – Monadnock, and Skerry – Adirondack soil series complexes, and vary from well-drained and deep to shallow, and poorly drained, consistent with landscape position. The terrain ranges from flat to rolling hills.

Wetlands and Water Resources

8. Forested wetlands are present throughout the lower elevation portions of the project site, within the approximately 128-acre single tree and group selection harvest area. These wetlands have a value rating of “1.” Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.
9. Pursuant to 9 NYCRR § 578.3(n)(4)(ii)(d), the project does not require an Agency permit as a regulated activity involving wetlands because it consists of the selective cutting of timber.
10. There are no navigable waterbodies on the project site, but there are intermittent streams.

Wildlife/Habitat

11. Mapping from the New York State Natural Heritage Program indicates the presence of Balsam Flats, an identified “Significant New York Community” on the north and northwestern portions of the project site. Identified conservation strategies and management practices for this community include maintaining regeneration of the species associated with the community type. No rare plants or rare animals are currently being tracked by the Natural Heritage Program on the project site.

Pesticide and Herbicide Use

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

Hazardous Materials

13. 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

14. 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

15. 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

16. 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. The letter indicated no concern with the proposed project, but noted concern about potential cumulative impacts of timber harvesting.

Invasive Species

17. 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

18. The project site will not be visible from publicly accessible off-site locations. The project site is situated within 4,598 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.
19. The project site is greater than 100 feet from the Remsen - Lake Placid Travel Corridor and will be visually buffered by intervening vegetation and topography.

Wetlands and Water Resources

20. All waterbodies on and adjacent to the project site will be buffered in accordance with Lyme's Forest Management Plan. Temporary stream crossings will be implemented using NYS Forestry Best Management Practices for Water Quality.
21. Single tree and group selection harvest will be undertaken in forested wetlands. The harvest will be undertaken in fully frozen winter conditions to prevent rutting and alteration of hydrology. Wetter areas will be flagged and will use small gauge corduroy at designated skidder crossing areas. Operations will not be undertaken in open, non-forested wetlands. Wetland operations will be implemented using NYS Forestry Best Management Practices for Water Quality. All of 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's soil disturbance guidelines in the establishment of skidder trails.
23. Extensive rutting from machinery activity is unlikely since the proposed harvest will be undertaken in frozen 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'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 water bodies created by the delineated harvest boundary, will ensure that a minimally disturbed zone for wildlife access is maintained.
29. The silvicultural prescription within the Balsam Flats community identified by the Natural Heritage Program is single tree and group selection, designed to capture value in poor quality overstory trees, while creating small openings to release existing regeneration. These are the program's stated recommendations for management of Balsam Flats and will ensure continuity of the community type.

Historic Sites or Structures

30. 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

31. The proposed timber harvesting will not result in any significant long term increase in traffic to and from the project site.
32. The harvest will not interfere with established snowmobile routes.

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 Rural Use and Resource Management land use areas;
- c. will be consistent with the overall intensity guidelines for the Rural Use and Resource Management 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.

PERMIT issued this day
of , 2018.

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 2018, 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