

**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 Permit <b>2019-0123</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: <b>September 19, 2019</b></p>
	<p>To the County Clerk: This permit must be recorded on or before <b>November 18, 2019</b>. 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 an expansion of the timber harvest approved by Agency Permit 2017-0070 to include an additional 97± acres in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Westport, Essex County.

This permit shall expire unless recorded in the Essex County Clerk's Office on or before **November 18, 2019**, 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**

Agency Permit 2017-0070 authorized timber harvesting on a 450±-acre project site. This project is an expansion of the project site to include an adjacent 97± acres for a total 547±-acre project site, involving portions of five parcels of land, all within Lyme's 23,641-acre Iron Ore Tract. The project site is located to the north and south of Mountain Spring Road, in the Town of Westport, Essex County, in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Westport Tax Map Section 75.2, Block 2, Parcel 2. The project site is described in a deed from SP Forests LLC to Lyme Adirondack Timberlands I, LLC, dated August 16, 2006, and recorded August 31, 2006 in the Essex County Clerk's Office at Book 1502, Page 1.

## **PROJECT DESCRIPTION**

Agency Permit 2017-0070 authorized timber harvesting on 450± acres, consisting of five discrete silvicultural treatments based upon stand conditions and desired outcomes, including free thinning (107.34 acres), selection thinning (48.66 acres), single tree and group selection (52.54 acres), uniform shelterwood establishment (66.36 acres), and uniform shelterwood removal (90.65 acres).

The amendment as conditionally approved herein involves an expansion of the timber harvest to also include an adjacent 97± acres, consisting of two silvicultural treatments as follows:

1. **Clearcutting with reserves (57± acres)**: This stand was treated in 2009 with a single tree and group selection. The overstory basal area is 53 ft<sup>2</sup> per acre composed of northern hardwoods, including sugar maple, beech, yellow birch, white birch, white ash, aspen, and small pockets of hemlock. The overstory consists of mature sawlogs and unacceptable growing stock displaying poor form, defects, poor or broken tops, seams, cankers, and/or evidence of disease. The understory regeneration averages 2750 stems per acre, composed of beech (55%), sugar maple (18%), and small quantities of white ash, white pine, red oak, birch, and hemlock. The beech is more advanced than the other species, and 58% of the regeneration survey plots had only beech present.

The goal in this stand is to establish more desirable species in the understory and decrease the percentage of beech regeneration. Mature and at risk overstory trees will be captured before mortality. Reserves will include white birch and yellow birch to provide a seed source, and well-formed sugar maple poles retained as crop trees.

2. **Free Thinning (40 ± acres)**: These stands were last treated in 2010 and 2014 with a free thinning. The overstory basal area is 90 ft<sup>2</sup> per acre composed of sugar maple, red oak, ironwood, white ash, beech, yellow birch, red maple, aspen, and basswood, with some large white pine. 30 ft<sup>2</sup> per acre is unacceptable growing stock displaying poor form, defects, poor or broken tops, seams, cankers, and/or evidence of disease. The understory regeneration averages 555 stems per acre, composed of red oak (60%) and beech (40%). Regeneration is not the focus of this treatment. The goal in these stands is to remove mature and undesirable stems to provide more sunlight and resources to the abundant crop trees that occupy the site.

Sixty square feet per acre of poles to medium sized sawtimber will be left to grow. Snag and den trees will be retained for wildlife.

The property is subject to a NYS Working Forest Conservation Easement and is certified to the Forest Stewardship Council and Sustainable Forestry Initiative standards. The Forest Management Plan for the project site 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.

The harvest boundaries have been 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 contained within the Forest Management Plan.

Special care will be taken to protect existing and potential snag, den, and cavity trees throughout the project site whenever possible.

Wetland and stream areas adjacent to the project site will be buffered in accordance with the Forest Management Plan.

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.

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

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.

The amended project is shown on the following maps, plans, and reports:

- A map entitled “Mountain Spring Road Clearcut Permit, Iron Ore Tract, Town of Westport,” received by the Agency on August 5, 2019 (the Project Site Map);
- A five-page document entitled “Timber Harvest Plan, Lyme Adirondack Forest Company,” noted at the bottom of each page as “LAFCO Timber Harvest Plan: Mountain Springs Road Clearcut,” prepared by Lyme Adirondack Forest Company, LLC, and received by the Agency on August 5, 2019 (the Timber Harvest Plan);
- A document entitled, “Forest Management Plan Lyme Adirondack Forest Company LLC, 2018-2028,” prepared by Sean Ross, with a latest revision date of June 2019, and received by the Agency on June 11, 2019 (the Forest Management Plan);

In addition, 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 above 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)(d)(10), and 810 (1)(e)(11) of the Adirondack Park Agency Act [Executive Law, Article 27] and 9 NYCRR Section 573.7, 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 and Rural Use.

Pursuant to Agency regulations at § 573.7, the 547±-acre area of the combined project sites for this permit and Permit 2017-0070 has been calculated by aggregation of patch cuts greater than 8 acres in size that have been harvested within the past 10 years. The harvest authorized herein will include cutting within the previously-designated 300-foot uncut buffer areas between patch cuts.

### **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 Essex 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].
4. All conditions in Permit 2017-0070 remain in full force and effect.
5. 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.
6. The harvest authorized herein shall comply with the Forest Management Plan, the Timber Harvest Plan, and the standards contained within the "New York State Forestry Best Management Practices for Water Quality." The harvest shall be supervised by a professional forester.
7. 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.

### **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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Westport; and
- b. 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                      , 2019.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Robert J. Lore  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the      day of                      in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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.

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Notary Public

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