

 <b>Adirondack Park Agency</b>  P.O. Box 99 • Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov	<b>APA Project Permit 2015-28</b>
In the Matter of the Application of  <b>LYME ADIRONDACK TIMBERLANDS I, LLC</b>  for a permit pursuant to §809 of the Adirondack Park Agency Act	Date Issued: April 23, 2015   To the County Clerk: This permit must be recorded on or before <b>June 24, 2015</b> . Please index this permit in the grantor index under the following names: <b>1. Lyme Adirondack Timberlands I, LLC</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 Rural Use and Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Piercefield, St. Lawrence County.

This permit shall expire unless recorded in the St. Lawrence County Clerk's Office on or before June 24, 2015 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 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.

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 549± acres, including portions of five parcels of land located north and east of New York State Route 3 in the Town of Piercefield, St. Lawrence County, and 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 Piercefield Tax Map Section 195, Block 6 as Parcels 7.1, 8.1, 10, 18 and 19. The site is described in a deed from SP Forests, LLC to Lyme Adirondack Timberlands I, LLC, dated August 16, 2006, and recorded September 1, 2006 in the St. Lawrence County Clerk's Office as Instrument Number 2006-00015369.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves timber harvesting on 549± acres located within Lyme's 16,159 acre Colton-Piercefield tract, in the Town of Piercefield. Seven discrete silvicultural prescriptions are proposed across the harvest area, based upon stand conditions and desired outcomes, as follows:

1. **Clearcutting with Reserves (64.96 acres):** The overstory of these areas is composed of sugar and red maple, black cherry and beech. Past harvests have created a fairly uniform overstory with small, medium and large sugar maple saw timber exhibiting significant crown dieback. The black cherry, red maple and beech stems scattered throughout the stand are either mature or display disease, canker, severe defect or poor crown health. The regeneration is well-established and is 80% beech.  
  
The treatment calls for retention of all yellow birch, and where possible, all healthy sugar maple, black cherry and red spruce to serve as a seed source. The beech regeneration will be cut or run over as much as possible to provide openings for new species to establish. This treatment is designed to create species diversity in the forest stand and create more habitat variety in the area.
2. **Extended Shelterwood Establishment (28.31 acres):** The overstory of these areas is composed of black cherry, sugar maple, red maple and beech. Most of these stands are on side hills that transition from a balsam fir and red spruce gully to hardwood hillsides. The overall health of the black cherry is good. Crown dieback is present in the sugar maple and the majority of the red maple and beech are diseased or have poor crowns. The regeneration is 80% beech.  
  
The treatment calls for a target basal area of 35-45 ft<sup>2</sup>/acre of healthy black cherry, 6"-16" diameter at breast height (dbh) to be retained. Healthy red maple and sugar maple will also be retained. All beech trees, as well as stems of other species displaying disease, canker, severe defect or poor crown health will be harvested.
3. **Free Thinning (31.25 acres):** The overstory of these areas is composed of balsam fir, red spruce, white pine, black cherry, red maple, sugar maple and yellow birch. The majority of the softwoods have good form and health. The majority of the hardwoods have poor form, defects and unhealthy crowns. The regeneration is dominated by balsam fir and red spruce, with smaller quantities of hardwood interspersed.

The treatment calls for harvesting all hardwoods displaying disease, canker, severe defect or poor crown health. All yellow birch regardless of shape, size or form will be retained as a seed source, and for structure and stand diversity. Hardwood stems with healthy crowns and good form will be retained. White pine under 14" dbh displaying severe defect on the stem or poor crown health will be harvested, but all other white pine will be left as seed and habitat trees. The residual stand will have 40-50 ft<sup>2</sup>/acre of healthy balsam fir, spruce, cherry, maple, birch and white pine in the overstory. The understory will be a mix of balsam fir and red spruce.

4. **Patch Clearcutting (9.54 acres):** Patch clearcuts are prescribed for the areas in the vicinity of the two proposed log landings, in order to create openings large enough for operations and stocking. The overstory here is composed of sugar maple, red maple, black cherry and beech. Past harvests have created a fairly uniform overstory of medium to large sugar maple saw timber with significant crown dieback. The black cherry, red maple and beech scattered throughout the stand are mature and ready to harvest or are undesirable stems displaying disease, severe defect or poor crown health. Regeneration is well-established and is 80% beech.

The treatment calls for harvesting of all merchantable stems. Existing beech regeneration will be knocked down as much as possible. The goal of this treatment is to establish a new stand with a higher percentage of desirable, vigorous stems.

5. **Seed Tree Establishment (7.13 acres):** The overstory in these areas is composed of red maple, black cherry, yellow birch, hemlock, red spruce, balsam fir and sugar maple. The stand lacks quality, healthy trees, but the diverse overstory is favorable for retention of seed trees.

The treatment calls for a target basal area of 10-15 ft<sup>2</sup>-acre to be retained. Seed trees of a variety of sizes and species will be selected and painted as leave trees. The beech regeneration will be cut or run over, and pockets of desirable regeneration (yellow birch, black cherry, spruce, balsam fir) will be protected.

6. **Shelterwood Removal with Reserves (266.4 acres):** The overstory composition in these areas is sugar maple, red maple, black cherry, beech, red spruce, hemlock and yellow birch. Past harvests have created a fairly uniform overstory with small, medium and large sugar maple saw timber displaying significant crown dieback. The black cherry, red maple, beech and red spruce scattered throughout the stand are mature and ready to harvest, or display disease, canker, severe defect or poor crown health. The regeneration is well-established and is 80% beech.

The treatment calls for harvesting all merchantable stems 6" and larger except:

- All yellow birch, there are not many of these and they will serve as an excellent seed source;
- Healthy stems of desirable species such as sugar maple, black cherry and red spruce 6"-10" dbh to provide seed source and vertical structure;
- All stems over 25" dbh, to be left as future snag trees.

This stand contains a unique hemlock and red spruce component in a 90±-acre portion of the treatment area. The majority of the regeneration in this area will be protected because there is a lack of desirable seed sources to change the species composition. Any beech understory around desirable seed sources will be knocked down in an effort to create diversity in the understory composition.

7. **Uniform Shelterwood Removal (141.46 acres):** The overstory in these areas is composed of sugar maple, red maple, black cherry and beech. Past harvests have created a fairly uniform overstory of medium to large sugar maple saw timber showing significant crown dieback. The black cherry, red maple and beech stems scattered throughout the stand are mature or display disease, canker, severe defect or poor crown health. The regeneration is well-established and is 80% beech.

The treatment calls for harvesting all merchantable stems 6" and larger except:

- All yellow birch, there are not many of these and they will serve as an excellent seed source;
- All stems over 25" dbh, to be left as future snag trees.

The project sponsor would like to establish some new species in the understory, however there is a lack of desirable seed trees. The beech regeneration is advanced and will be released to grow freely. The beech understory around the few desirable seed sources that are available will be knocked down in an effort to create some diversity in the understory composition.

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 a professional 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 the logs to a log concentration yard. Pulp wood will be chipped on-site and transported off-site by truck.

No new roads are proposed. Minor maintenance is required to prepare the existing log roads. Skidder trails will be established in accordance with New York State Best Management Practices for Water Quality, and Lyme Timber's *Soil Disturbance Guidelines* document within their forest management plan.

The use of two existing landing areas is proposed. These areas are prescribed for patch clearcuts, as described above, to re-establish and possibly widen the available work area within the landing site.

The project site is shown on a map entitled "Black Ridge Road, Colton – Piercefield Tract," which was included in the timber harvest plan materials, stamped as received by the Agency on February 26, 2015.

The timber harvest plan is described in a six page document entitled “Timber Harvest Plan, Lyme Adirondack Forest Company,” noted at the bottom of each page as “LAFCO Timber Harvest Plan: Black Ridge Road,” prepared by Prentiss and Carlisle Forest Resource Management and Timberland Services.

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), 810(1)(d)(10) and 810(1)(e)(11) of the Adirondack Park Agency Act [Executive Law, Article 27], because it involves timber harvesting that includes a proposed clearcutting of a single unit of land of more than 25 acres on Resource Management and Rural Use lands.

### **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 St. Lawrence 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 applicant maintains a current Forest Stewardship Council or Sustainable Forestry Initiative Certification.

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

5. The harvests described herein shall be undertaken under the supervision of a professional forester. The professional forester shall ensure that the permittee and all contractors undertake the project in accordance with the Forest Management Plan, 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. Within six months of completion of the timber harvesting proposal 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 New York State Sustainable Forestry Conservation Easement, administered by the New York State Department of Environmental Conservation. 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 August 2015.
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 New York State 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 Adirondack Timberland’s forestlands are located entirely within the Adirondack Park. Their properties consist of twenty-five tracts ranging in size from 750 acres to more than 26,000 acres. The project site is situated within the 16,159 acre “Colton-Piercefield” tract, approximately nine miles northwest of the village of Tupper Lake, in the Town of Piercefield. The Raquette River lies within the State-owned Raquette-Jordan Boreal Primitive area to the east, but the harvest area is outside the designated scenic river corridor and more than 1/8 mile from the edge of the primitive area. Mt. Matumbula, on private lands further to the east, is the highest point in the vicinity. Nearby parcels to the south contain sand and gravel mines, one privately owned, and the other owned by the Village of Tupper Lake.
6. The project site is accessed via a private access road directly from New York State Route 3.
7. The areas proposed for treatment were last harvested in 2004 and 2005, by the previous owner. Past harvests have created a fairly uniform overstory with small, medium and large sugar maple saw timber exhibiting significant crown dieback.
8. Detailed soils mapping characterizes the soils on the project site as well drained to excessively drained, and within the Adams soil series and the Colton-Duxbury-Adams soils complex. These are very deep, sandy soils, formed in sand and gravel deposits.
9. The terrain across the project site is fairly flat to rolling, with small areas of steep slopes along the eastern harvest edge.

### **Water Resources**

10. There are no waterbodies on the project site. However, portions of the project site are located approximately 100 feet from the shoreline of a complex of kettlehole ponds.

The timber harvesting authorized herein will be located greater than 100 feet from the mean high water mark, and will therefore comply with all of the shoreline restrictions established in §806 of the APA Act.

### **Wetlands**

11. There are no jurisdictional wetlands on the project site. However, portions of the project site are located adjacent to wetlands with a value rating of 1. No operations are proposed within these wetlands.

### **Wildlife/Habitat**

12. Mapping from the New York State Natural Heritage Program (NHP), indicates there are no rare plants, rare animals, or natural communities currently being tracked by the NHP on the project site.

### **Pesticide and Herbicide Use**

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

### **Hazardous Materials**

14. Hazardous materials, including fuel, oil, and hydraulic fluid, will be managed in accordance with the New York State Forestry Best Management Practices for Water Quality, and New York State Department of Environmental Conservation regulations. This includes proper techniques for storage and disposal of hazardous materials, and appropriate response to spill remediation.

### **Historic Sites or Structures**

15. 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**

16. The resource extraction industry is an integral sector of St. Lawrence County's economy. 3.0% of all workers in the county are employed in the agriculture, forestry, fishing and hunting, and mining industries. This is about five times as many people employed in this industry than a typical New York region.
17. 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**

18. 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 included suggestions for improving the Agency's review of jurisdictional harvest applications, and pointed to additional information that might be helpful for public consideration of such proposals.

### **Impairment of Rights**

19. 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.

### **Invasive Species**

20. Control and monitoring of invasive species are addressed in Lyme Timber Company'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**

21. The harvest area is situated within 16,159 acres of actively managed industrial timberlands. The visual impacts of the proposed harvest are consistent with existing visual impacts on these and nearby managed lands.
22. Portions of the project site may be visible from NYS Route 3 and the hillsides across the Raquette River towards Mt. Matumbula. The project sponsor proposes to retain trees with healthy, full crowns on hilltop areas to provide vertical structure to soften potential visual impacts.
23. 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 foot limited cut buffer will be observed in proximity to property lines.

### **Wetlands**

24. There are no jurisdictional wetlands on the project site. The harvest boundary has been field delineated to exclude adjacent wetlands from the operations area. A 100 foot Riparian Management Zone (RMZ), wherein cutting and operation of machinery is limited, will be established and maintained. The RMZ is standard practice for Lyme Timber as outlined in their Forest Management Plan. The applicant also applies the NYS Forestry Best Management Practices for Water Quality within these zones.

### **Water Resources**

25. The field delineated harvest boundary maintains a minimum 100 foot buffer to off-site waterbodies. Additionally, the project sponsor applies the NYS Forestry Best Management Practices for Water Quality within riparian zones. These practices will minimize impacts to water quality.

### **Soils/Erosion**

26. Potential erosional impacts will be mitigated by application of the NYS Forestry Best Management Practices for Water Quality, as well as Lyme Timber's soil disturbance guidelines in the establishment of skidder trails.
27. Extensive rutting from machinery activity is unlikely given the well-drained upland soils on the project site, and avoidance of wetland areas in establishment of the harvest boundary.
28. The stumps of removed trees will remain in place, providing soil retention and runoff protection.

### **Wildlife Resources**

29. The proposed harvest is consistent with Lyme Timber'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.
30. 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 underrepresented in Adirondack forests.

31. The proposed retention of cavity, nest and den trees as well as standing snags will provide habitat for nesting birds, small mammals, and insects.
32. Buffers to wetlands and waterbodies created by the delineated harvest boundary, as well as the Lyme's standard 100 foot Riparian Management Zone (RMZ) adjacent to wetlands, will ensure that a minimally disturbed zone for wildlife access is maintained.

### **Historic Sites or Structures**

33. 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**

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

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

On the       day of       in the year 2015, 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.

REW:ACZ:SLB:mlr