


STAFF DRAFT – NOT APPROVED BY AGENCY

THIS IS A TWO-SIDED DOCUMENT

 <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>DRAFT APA Permit 2022-0163</p>
<p>In the Matter of the Application of</p> <p>LYME ADIRONDACK TIMBERLANDS II, 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: Please index this permit in the grantor index under the following names:</p> <p>1. Lyme Adirondack Timberlands II, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a timber harvest in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Pleasant, Hamilton County.

This authorization shall expire unless recorded in the Hamilton County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 five years of the date the permit is recorded in the County Clerk's Office. 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 an 824±-acre portion of 14,379 contiguously-owned acres of forestland, known as the Perkins Clearing Tract, in the Town of Lake Pleasant, Hamilton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The project site is located within the Town of Lake Pleasant Tax Map Section 104, Block 1, Parcel 1.100.

The site 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 16, 2006, and recorded August 31, 2006 in the Essex County Clerk's Office in Book 1503 on Page 1.

PROJECT DESCRIPTION

The project as conditionally approved herein involves timber harvesting on 824± acres within Lyme Adirondack Timberland's 14,379-acre Perkins Clearing Tract. The project site primarily consists of a mature and/or degraded overstory and well-established, undesirable understory consisting primarily of American beech. Proposed treatment of shelterwood removal with reserves on 721± acres will establish a young age class of healthy, desirable species. Reserve trees will be selected from yellow birch, sugar maple, white ash, red spruce, red maple and black cherry stems to provide seed source into the future. Proposed treatment of free thinning will be applied on 103± acres with a high percentage of healthy growing stock available to focus growth on future crop trees. The overstory basal area on these acres is 110 ft²/acre and is made up of sugar maple, white ash, beech, yellow birch, red maple and red spruce.

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 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 tracked 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.

Streams within the project site and wetlands adjacent to the project site will be buffered in accordance with the Forest Management Plan, and consistent with NYS Forestry Best Management Practices for Water Quality.

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 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.

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

- A map titled "Mud Lake OSR Clearcut Permit Map, Perkins Clearing Tract, Town of Lake Pleasant," received by the Agency on June 28, 2022 (Timber Harvest Plan Map);
- A four-page document titled "Timber Harvest Plan Lyme Adirondack Forest Company," noted at the bottom of each page as "LAFCO Timber Harvest Plan: Mud Lake OSR," and a two-page document titled "Lyme Adirondack Timberlands Mud Lake OSR Forest Management Summary," both prepared by Lyme Adirondack Forest Company, LLC, and received by the Agency on June 28, 2022 (together the Timber Harvest Plan); and
- A document titled, "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 (Forest Management Plan).

In addition, a five-page document titled, "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 Timber Harvest Plan 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) 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 clearcutting of a single unit of land more than 25 acres in size on lands classified as Resource Management.

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 Hamilton 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. 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.
5. This permit authorizes the timber harvest described in the Timber Harvest Plan. Any change to the harvest shall require prior written Agency authorization.
6. The timber harvest shall comply with the standards contained within the Forest Management Plan and 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 authorized 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.

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 timber harvesting 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.

PERMIT issued this day
of , 2022.

ADIRONDACK PARK AGENCY

BY: _____
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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