

## PROTECT Opposes new APA Draft General Permit to Loosen Rules for Clearcutting in the Adirondack Park

*We need letters to the Adirondack Park Agency to oppose this new policy. Letters must be received at the APA by December 28, 2012.*



### **Help stop a new era of clearcutting of forests in the Adirondack Park**

#### **Background**

The Adirondack Park Agency (APA) is promulgating a new draft General Permit (2012-G1) for timber management clearcuts in the Adirondack Park. Currently, under the APA Act a clearcut is a regulated activity for any clearcut of 25 acres or greater. Any proposed clearcut above 25 acres must obtain a permit from the APA. The APA now wants to authorize clearcuts through a General Permit.

To be eligible for the new clearcutting General Permit a landowner must have its forestlands certified in one of the various “third-party” sustainable forestry certification programs, such as FSC (Forest Stewardship Council) or SFI (Sustainable Forestry Initiative). Conservation Easement lands and some Real Property Tax Law programs (480a) are also eligible. Certification is based on forest management plans that may incorporate use of clearcuts to change forest composition over the long-term in order to grow a higher percentage of high value northern hardwood trees.

Clearcutting of private forestlands remains a controversial practice for the general public. To a large degree, the Adirondack Park has been spared the prolonged and combative public debates over clearcutting that have raged over federal management of National Forest lands in the western U.S., private lands in the State of Maine, and that led to state legislation in Vermont after widespread abuse and public outcry.

Protect the Adirondacks sees the essence of the Adirondack Park as being a landscape of continuous high forest canopy. As one moves across the Adirondack Park from Forest Preserve to conservation easement lands to large private landholdings the landscape is defined by continuous, largely unbroken high forest canopy. PROTECT sees no reason to change Adirondack Park policy to allow greater clearcutting. We simply see no benefit to the Adirondack Park from easing the rules for clearcutting.

PROTECT opposes this draft General Permit. We have urged the APA not to approve it. Now, we need our members to tell the APA not to loosen clearcutting regulations.

#### **Talking Points for Public Comments**

Please write a letter today using these points:

- 1) PROTECT finds the APA’s justification for this new General Permit to be weak. The APA has failed to show a strong need for this change in policy and failed to provide any adequate data in support of it.

The APA states that obtaining an APA permit to undertake a clearcut is a burden on a private landowner. The APA cited just one landowner for whom a clearcut permit for several hundred acres was approved after a 1-year permit review process. The APA has not provided any information about which party was responsible for this timing, or why the current process is too cumbersome to maintain and failed to meet the objectives of this landowner.



APA has stated that current APA rules have resulted in lots of 24-acre clearcuts undertaken to avoid the APA's 25-acre clearcut jurisdiction. The APA has not provided any information to support this position.

The APA has stated that the current regulations lead to "high-grading" of private and commercial forestlands in the Adirondack Park. High-grading is when trees with the highest commercial values are harvested and low-grade trees are left in the forest. Again, the APA has not substantiated how current APA clearcutting rules lead to high-grading or provided examples.

- 2) APA has not provided a justification for the need to make this change in policy. The APA has accepted an anecdote-driven process about the experience of one recent large-scale clearcut applicant as the factual basis for this change. The APA has not engaged in a thorough data-driven process to fully analyze the need for this change in policy.
- 3) Forest management is but one issue impacted by the decision to undertake a clearcut. PROTECT is concerned about short-term visual impacts and wildlife impacts. PROTECT is also concerned about the long-term impacts from methods, such as spraying, to try and control forest regeneration after the clearcut.
- 4) PROTECT is concerned that allowing easier clearcutting will weaken public support for the purchase of conservation easements. Much of the 770,000 acres of conservation easement lands are owned by Timber Investment Management Organizations (TIMOs) and Real Estate Investment Trusts (REITs). If these companies engage in large-scale clearcuts under this draft General Permit, PROTECT believes this will weaken public support for land protection through conservation easements, which is a program that has enjoyed strong support from a diverse body of stakeholders in the Adirondacks. State conservation easements should be tools to ensure sustainable forestry.
- 5) The APA Act demands that all proposed projects be evaluated by 39 development considerations (Section 805). The draft General Permit is predicated on the belief that sustainable forestry certification programs, such as FSC or SFI, can be used to replace the integrity of an APA permit review. Because these programs

are based on an approved forest management plan, which may utilize clearcuts to achieve forest management goals, the APA believes this fulfills a permit review. PROTECT does not believe these management plans should substitute for an APA permit review.

- 6) There is no permanence to certification programs and they should not be the basis for policy. The draft General Permit references lands that have "forest management certification programs" as automatically eligible for the General Permit. Certification programs are voluntary. Once a clearcut has been undertaken, or the property changes hands after a clearcut is performed, a landowner could choose not to continue with these certification programs.
- 7) PROTECT is concerned that an easing of the APA's clearcutting review process, as proposed in the new General Permit, could lead to liquidation of private forestlands as landowners cut property harder during periods of high market values.
- 8) APA rules and regulations for forest management Part 573.7 "Jurisdiction and Review of Clearcutting" are out of date. They reference "Timber Harvesting Guidelines for New York" published by the Society of American Foresters in 1975. That's where the APA should focus its attention. The APA provides no information to compare the benefits of revising and updating its rules and regulations versus creating a new General Permit.
- 9) A General Permit for clearcutting is the wrong tool to update and improve the APA's regulatory management of forest clearcutting.
- 10) Urge the APA to reject this draft General Permit.

More information is provided on the PROTECT website [www.protectadks.org](http://www.protectadks.org). Or call 518-685-3088.

**Please send comment letters by December 28th to:**

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Ray Brook, NY 12977 Fax: 518.891.3938

(Unfortunately, the APA does not accept emailed public comments. A PDF of a comment sent to the fax number will be accepted. Or, you can email a comment to [info@protectadks.org](mailto:info@protectadks.org) and we will hand deliver it to the APA. Include your full name and address.)

Thank you for joining with PROTECT to take a stand against large-scale clearcutting in the Adirondack Park!

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Protect the Adirondacks  
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Important information about  
the future of Adirondack  
forests.

We need you to act now!