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#### **Via Email**

July 17, 2025

Aaron Ziemann  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

**RE: LandVest Clearcutting Application (Eastwood Climate Smart  
Forestry Fund/Northway Forests, LLC)  
Cedar River Road, Town of Indian Lake, Hamilton County  
Tax Parcel 64.-1-1.100  
APA Project No.: 2025-0104**

Dear Mr. Ziemann:

Protect the Adirondacks (PROTECT) appreciates the opportunity to provide comments on the application by LandVest, in partnership with the Eastwood Climate Smart Forest Fund (Eastwood) and Northway Forests, LLC, for approval of timber harvesting activities—including clearcutting—on approximately 502 acres of land in the Town of Indian Lake, Hamilton County (the Project).

According to the application, the Project will consist of a shelterwood overstory removal and a variable retention clear cut. The Adirondack Park Agency (APA) has permitting jurisdiction over the Project because (i) it meets the jurisdictional threshold for clearcutting set forth in 9 NYCRR § 573.7(b); (ii) a portion of the Project site is located within the River Area of the Cedar River, a designated Scenic River under the New York Wild, Scenic and Recreational Rivers System Act (*see* Environmental Conservation Law (ECL) § 15-2713(2)(e)); and (iii) a portion of the Project site is located in a designated Critical Environmental Area (CEA) because it is within 1/8 mile of the Little Moose Wilderness Area (*see* Executive Law § 810(1)(e)(1)(d)).

PROTECT respectfully urges that the application be considered by the APA Board and that it be denied. As discussed below, the permit application is incomplete and inadequate and thus APA cannot make the requisite statutory findings for approving the Project. Among the serious deficiencies in the application are the following:

#### **Protect the Adirondacks**

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- (i) It does not include the ecological and site-specific baseline information required by APA regulations for clearcutting applications as set forth in 9 NYCRR § 537.7(c);
- (ii) It does not include—and APA has confirmed that it does not possess—the State-owned Conservation Easement that imposes land use restrictions and timber management prescriptions on the Project site. This document was required to be submitted as part of the APA Major Project Application. The applicant’s failure to provide it prevents APA from determining whether the Project complies with the terms and conditions of the Conservation Easement;
- (iii) It does not include the locations and boundaries of all streams and wetlands on the Project site as required by 9 NYCRR § 573.7(c)(1) and the few streams and wetlands depicted on the applicant’s maps have apparently not been field-verified. Additionally, it appears that there has been no site visit by APA staff to verify the location and boundaries of wetlands (including vernal pools and vernal pool complexes) and perennial and intermittent streams on the site, as well as the location and boundary of the Cedar River Scenic River Area and the Little Moose Wilderness Critical Environmental Area (CEA);
- (iv) It fails to identify the precise locations and acreage of clearcutting within the 502-acre Project site, making it impossible to assess the full scope and impact of the Project;
- (v) It includes no analysis of the Project’s potential environmental impacts on the protected Cedar River Scenic River Area, on the portion of the Project site lying within the Little Moose Wilderness CEA, or on plant and animal species within and adjacent to the Project site;
- (vi) The few measures proposed to mitigate the Project’s environmental impacts are inadequate and no mitigation measures are proposed for impacts to the Cedar River Scenic River Area and the Little Moose Wilderness CEA;
- (vii) The Project is inconsistent with representations made by Eastwood that clearcutting will not occur to resolve outstanding noncompliance findings made following a Sustainable Forestry Initiative (SFI) audit; and
- (viii) The climate change impacts of the Project have not been addressed, and the application fails to address how clearcutting a mature forest comports with Eastwood’s public statements that it will manage its forests to promote carbon sequestration and storage.

### **The Project Site is Ecologically Sensitive**

The approximately 324-acre portion of the Project site over which the APA has jurisdiction includes a variety of ecologically sensitive areas, including the Cedar River; the Cedar River Scenic River Area (lands located within 1/4 mile of the mean high water mark of the Cedar River); two classified trout streams and one perennial stream flowing directly into the Cedar River; an

unspecified number of additional perennial and intermittent streams; an unspecified number of wetlands, vernal pools and, potentially, vernal pool complexes; and the Little Moose Wilderness CEA (Project lands within 1/8 mile of the Little Moose Wilderness Area). The Project site is also located in close proximity to vast tracts of constitutionally protected Forest Preserve lands, including the Blue Ridge Wilderness Area, the West Canada Lakes Wilderness Area, and the Moose River Plains Wild Forest.

The ecological significance and sensitivity of this landscape is underscored by the State's prior purchase of a conservation easement over the entirety of the Project site. A State-owned conservation easement "limits or restricts development, management or use of . . . real property *for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property . . .*" ECL § 49-0303(1) (emphasis added).

Furthermore, the lands comprising the Project site are classified as Resource Management under the Adirondack Park Land Use and Development Plan, which means they "are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twenty-five hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats or habitats of rare and endangered plant and animal species." Executive Law § 805(3)(g)(1). In addition, [t]he basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park." *Id.* § 805(3)(g)(2).

Despite these clearly defined environmental values and protections, the applicant failed to submit a natural resource inventory of the Project site. As a result, there is no baseline information concerning the ecologically sensitive areas and plant and animal species present on the Project site, rendering a full assessment of the Project's potential impacts to these resources impossible.

### **The Application Does Not Include the Baseline Information Required by APA Regulations**

The APA regulations clearly define the baseline information required for a clearcutting permit application. Specifically, the applicant must include detailed mapping and documentation that includes a map of the proposed clearcut area and all lands within one-quarter mile that shows, among other things, (i) all wetlands, unique natural and cultural features, areas with slopes in excess of 25 percent and water bodies; (ii) the location of all existing and proposed roads, stream crossings and culverts; and (iii) all proposed buffers. *See* 9 NYCRR § 573.7(c)(1). The regulations also specify that a clearcutting application must include "[a] description of the location and nature of any harvesting on the area to be clearcut or within one-quarter mile thereof within the prior 10 years" and "[a] description of harvest methods (including use of portable chippers), preharvest and postharvest techniques and harvest objectives." *Id.* §§ 573.7(c)(3), (4). Although some generic information has been provided by the applicant, none of the essential details required by the regulations have been provided.

The application submitted by LandVest does not specify the precise locations or sizes of the areas to be clearcut. Instead, the narrative ambiguously describes six potential clearcutting regimes that may be implemented:

The prescription . . . is to adjust the prescription for different areas of the stand with the intent of improving species composition, quality, and productivity. There are 6 potential types of ‘micro stands’ (1 to 5 acres areas within the larger stands) that can be identified for this harvest, each with their own unique prescription.<sup>1</sup>

This approach indicates that decisions about clearcutting prescriptions will be made in the field during harvesting activities, in direct conflict with APA regulations, which require that each clearcut area be pre-identified and mapped. According to the application, the applicant proposes to identify the “appropriate prescription on the ground” and prepare “georeferenced maps of the harvest area” for each prescription *after* APA grants a clearcutting permit. The application does not provide the georeferenced maps or recent timber cruise data or otherwise indicate where each of these six cutting regimes will occur, nor does it identify the total acreage to be subject to each treatment, all in violation of APA’s regulatory requirements.

The application also makes clear that stream crossings will be identified in the field during harvesting activities, in direct contravention of APA regulations requiring that all stream crossings and culvert placements be pre-determined and depicted on the application maps. *See* 9 NYCRR § 573.7(c)(1)(ii) (requiring that the application map show the “proposed location of . . . stream crossings and culverts); Harvest Plan at 3 (stating that “[w]hen crossing the streams, specific locations will be discussed and identified on the ground with the contractor so minimal damage and erosion take place” and that “temporary culverts” will be installed). Neither the map nor the application narrative identify where stream crossings and culverts will be located.

The maps submitted with the application also fail to depict the location and boundaries of all wetlands (including vernal pools and vernal pool complexes) on the Project site, even though the application acknowledges the presence on the site of vernal pools, “other wet areas,” and “non-documented” wetlands and ponds. *See* Harvest Plan at 3-4. Although the Project map includes several forested/shrub wetlands that apparently are identified on federal wetlands maps, there is no evidence that the locations and boundaries of those wetlands were verified in the field, nor are the qualifications of the person who did the mapping provided. The applicant’s maps also do not show the location of all existing wood roads, stream crossings and culverts; and do not show all proposed buffer areas. *See* 9 NYCRR § 573.7(c)(1)(ii), (iii).

Moreover, the APA Application for Major Project requires an applicant to “describe and provide . . . any current deed restrictions or easements associated with the project site.” Application for Major Project ¶ 9. Although the Project site is subject to a State-owned Conservation Easement, that easement has been neither described nor provided by the applicant as required.

Finally, there is no indication in the Project file that APA staff conducted a site inspection to verify the location and boundary of the Cedar River Scenic Area or the Little Moose Wilderness CEA.

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<sup>1</sup>Northway Forests LLC, Harvest Plan (April 2025) (Harvest Plan) at 4-5.

Nor is there any indication that APA staff was on-site to verify the location and boundaries of wetlands (including vernal pools) and streams on the Project site.

### **The Application Includes No Analysis of Potential Environmental Impacts**

Despite the recognized ecological sensitivity and significance of large portions of the Project site, the application contains no analysis or evaluation of the potential environmental impacts associated with the proposed timber harvesting activities. The proposed operation would affect hundreds of acres of forestland, as well as a network of streams, wetlands, and other sensitive natural features. Yet the application is silent on how these resources may be impacted. At a minimum, the applicant should be required to evaluate potential impacts to wetlands, streams, the Cedar River Scenic River Area, the Little Moose Wilderness CEA, and plant and animal species on and adjacent to the Project site.

The absence of even a basic environmental impact analysis is particularly concerning given the scale of the proposed clearcutting and the presence of multiple overlapping environmental protections. Without this information, neither the APA nor the public can meaningfully evaluate the potential short- or long-term consequences of the Project. A comprehensive and site-specific environmental review is essential to ensure that the Project does not result in undue adverse impacts to the Park's ecological integrity, water resources, and biodiversity.

### **The Applicant's Proposed Mitigation Measures Are Inadequate**

The mitigation measures proposed by the applicant for this Project are insufficient to protect the sensitive ecological features of the site. Specifically, the applicant proposes a 50-foot "soft buffer" for perennial streams and a 25-foot "soft buffer" for intermittent streams, vernal pools, and what the applicant terms "non-documented" wetlands. These proposed buffers, the locations of which are not identified or shown on the applicant's maps, are inadequate and fail to meet statutory and regulatory standards.

A "soft buffer" generally allows access by vehicles and heavy machinery. This does not constitute a protective buffer in any functional or ecological sense. The allowance of equipment entry defeats the purpose of buffering sensitive aquatic resources from direct disturbance, compaction, sedimentation, and pollution.

In addition, the proposed 25-foot and 50-foot stream buffer zones fall well short of scientific and regulatory standards for riparian protection. The New York State Department of Environmental Conservation states that "[r]iparian buffers that are *at least 100 feet wide provide the minimum protection for water quality and stream protection*" and that "[w]ider buffers provide an even higher level of stream protection and provide better wildlife habitat." (emphasis added).<sup>2</sup> Accordingly, the applicant's proposed 25-foot and 50-foot buffers are not only substandard, but they fail to provide the minimum level of protection required to preserve water quality and aquatic ecosystems. See 9 NYCRR § 578.8(i) (stating that clearcutting or other timber harvesting practices in wetlands have adverse impacts such as removing or reducing vegetation and exposing soil to erosion).

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<sup>2</sup> Available at <https://dec.ny.gov/environmental-protection/water/water-quality/nps-program/riparian-buffers>.

Furthermore, the applicant’s proposed 25-foot buffer for vernal pools and what the applicant refers to as “non-documented” wetlands is contrary to State law, which requires a minimum 100-foot buffer for all protected wetlands. *See* 9 NYCRR § 578.3(a); *see also* Environmental Conservation Law § 24-0701(2); 6 NYCRR § 663.2(b).

Critically, the applicant has proposed no mitigation measures whatsoever for two highly sensitive and legally protected zones: the Cedar River Scenic River Area and the Little Moose Wilderness Area CEA. *See* 9 NYCRR § 577.6; 9 NYCRR § 577.8(c). The failure to account for and mitigate impacts to these areas is a serious oversight and a further indication of the application’s deficiencies.

### **The Project is Inconsistent With Representations Made by Eastwood to SFI**

The proposed Project is directly at odds with representations made by Eastwood in response to Non-Conformance Reports (NCRs) issued by SFI regarding its forest management practices. In 2022, Eastwood received an NCR for non-compliance with its SFI Objective 4: Conservation of Biological Diversity. In order to resolve this deficiency, Eastwood assured SFI auditors that its “harvest and renewal practices . . . *leave significant residual stand structure on site . . .*” SFI Forest Management Certification Reassessment Report (Aug. 22, 2024) (SFI Report) at 10-11; (emphasis added).<sup>3</sup> Based on this commitment, the NCR was formally closed.

However, Eastwood’s current proposal to clearcut hundreds of acres of forest—without the benefit of a comprehensive natural resources inventory—clearly contradicts its prior assurances. In fact, the permit application states that “[t]he treatments . . . will require heavy cutting that will leave a residual stand with low stocking of stems >6 inches DBH in large areas, so an APA clearcutting permit will need to be approved for this prescription.” This demonstrates that the proposed operations will not leave significant residual stand structure, as Eastwood previously represented to SFI. The proposed prescription instead relies on heavy removal and will result in low post-harvest stocking (with “no attempt . . . to balance the age class distribution in the stand”), which is fundamentally inconsistent with the company’s commitment to maintain biodiversity through structural retention.

In addition, Eastwood received a separate NCR in 2022 for non-compliance with Objective 5: Management of Visual Quality and Recreational Benefits. Eastwood acknowledged that its lands in the Adirondacks are situated “in a region that is very heavily used by recreationists, residents, and tourists, and that “[t]he Conservation Easement in place means lands are open to hunting and other traditional recreational uses; hiking, snowmachine, biking on the many designated trail [sic].” SFI Report at 11. To resolve the NCR, Eastwood stated that “[a]ll units are partial cuts, ranging from individual tree selection to shelterwood to small patch cuts with retention.” *Id.* Yet the current Project proposes widespread clearcutting, without a full evaluation of potential visual or recreational impacts—again, in direct contradiction to the commitments made to SFI to preserve scenic quality and maintain recreational values on these publicly accessible lands.

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<sup>3</sup> Available at [https://sfidatabase.org/media/sfi/audits/Eastwood\\_Forests\\_LLC\\_SFI\\_FM\\_reassess\\_24.pdf](https://sfidatabase.org/media/sfi/audits/Eastwood_Forests_LLC_SFI_FM_reassess_24.pdf).

These discrepancies raise serious concerns not only about the credibility of the representations made by Eastwood to regulatory and certification bodies, but also about the appropriateness of approving a project that deviates so significantly from sustainable forest management principles. Proceeding with this Project would undermine the integrity of the SFI system and the public's trust in certified forest operations.

**Neither The Climate Change Impacts of Clearcutting a Mature Forest Nor the Project's Inconsistency With Eastwood's Public Commitment to Promote Carbon Sequestration and Storage Have Been Addressed**

When the Project site was acquired in 2024 by the Eastwood Climate Smart Forestry Fund (the Fund) it was touted “as the first property in the Climate Smart Forestry Fund” and a cornerstone of its strategy for advancing climate solutions.<sup>4</sup> The Fund consists of Sumitomo Forestry Company—a Japanese parent company of Eastwood—and nine other Japanese firms.<sup>5</sup> The Fund's stated objectives are:

to increase forest sequestration of carbon dioxide, with a target of sequestering an additional 1 million tons of carbon dioxide a year. The increased sequestration will enable the production and trading of high-integrity carbon credits, which will contribute to the realization of a decarbonized society. The Fund will also enhance the value of forestland as natural capital by rehabilitating the role of forests in protecting biodiversity and water resources.<sup>6</sup>

The Fund further claims its strategy “*will focus on producing high-integrity carbon credits through sustainable forest practices—practices that unlock the inherent functions of forests, including carbon sequestration and storage and in protecting biodiversity and water resources.* (Emphasis added).<sup>7</sup>

These climate-focused goals are echoed in Eastwood's public materials. On its website, Eastwood states that “*we manage forestland investments as nature-based solutions for long-term climate benefits which result in resilient forests.* (Emphasis added).<sup>8</sup> And on acquiring the Project site in 2024, Eastwood proclaimed that the purchase “marks a significant step toward Eastwood's commitment to sustainable forest management and climate change mitigation” and that it would “continue to manage for resilient, long-term carbon sequestration and storage in the forest.” Eastwood Forests Acquires Forest Land in New York (Feb. 2, 2024) (emphasis added).<sup>9</sup>

Despite these claims, the application includes no discussion whatsoever of the Project's climate change impacts, including the loss of forest biomass from clearcutting that will reduce ongoing

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<sup>4</sup> Statement by Eastwood Forests LLC on acquisition of New York forest lands, available at <https://eastwoodforests.com>.

<sup>5</sup> See Ten Japanese Companies Invest in Forestry Fund Sourced by Sumitomo Forestry Group (July 10, 2023), available at [https://sfc.jp/english/news/pdf/20230710\\_01.pdf](https://sfc.jp/english/news/pdf/20230710_01.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Available at <https://eastwoodforests.com/>.

<sup>9</sup> Available at <https://eastwoodforests.com/wp-content/uploads/2024/02/Eastwood-Forests-Northway-Press-Release-Feb-2024.pdf>.



carbon sequestration; the release of stored carbon from soils and vegetation as a result of clearcutting; the inconsistency of widespread mature forest removal with long-term carbon storage goals; and the lack of any carbon accounting or climate modeling to assess the Project's compatibility with the Fund's carbon credit strategy.

In fact, the science is clear that clearcutting undermines carbon storage and sequestration by both reducing the amount of photosynthetic biomass capable of absorbing carbon dioxide and by releasing significant volumes of stored carbon into the atmosphere.<sup>10</sup> This result is completely incompatible with the claims by Eastwood and the Fund that their forest management practices will promote “long-term climate benefits” and enhance carbon storage and sequestration.

Furthermore, the application fails to analyze or disclose the greenhouse gas (GHG) emissions associated with timber harvesting activities. This omission is particularly striking given that Eastwood was issued an NCR in the most recent SFI audit for failing to address GHG emissions in its operations. *See* SFI Report at 7 (noting that Eastwood has “no program to identify and address [GHG] emissions within their operational control”).

The failure to address GHG emissions associated with the Project is also inconsistent with the Climate Leadership and Community Protection Act (CLCPA). The CLCPA requires all state agencies, including APA, when reviewing a permit application to determine whether such action “will be inconsistent with or will interfere with the attainment of the statewide [GHG] emission limits” established in Article 75 of the ECL. Climate Leadership and Community Protection Act, Ch. 106, Laws of 2019, § 7(2). APA must therefore evaluate whether the approval of this Project—including the proposed clearcutting of hundreds of acres—would be consistent with the GHG reduction targets established under the CLCPA. Because the Project has not included any assessment of its GHG impacts, approval at this stage would be premature and legally problematic.

In sum, the proposed timber harvesting activities not only fail to align with the stated goals of the Fund and Eastwood to foster climate resilience and carbon storage, but also fail to comply with the legal obligations imposed by state climate policy and law. APA must require the applicant to fully evaluate and disclose the Project's climate impacts before taking further action on the permit.

## **Conclusion**

PROTECT respectfully urges APA staff to refer the Project to the full Agency Board for review and to deny the application in its current form. The application contains multiple material omissions, deficiencies, and inaccuracies that make it impossible for the Agency to make the statutory findings required for approval under the APA Act and APA regulations.

In the alternative, we urge APA to withdraw the Notice of Complete Application and require the applicant to submit a revised and complete application that includes the following:

- (i) Baseline ecological data, including a detailed, field-verified natural resource inventory and comprehensive map of the Project site identifying wetlands, streams,

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<sup>10</sup> Lacroix, Emily M.; Petrenko, Chelsea L.; Friedland, Andrew J. Evidence for Losses From Strongly Bound SOM Pools After Clear Cutting in a Northern Hardwood Forest. *Soil Science*, April 2016



vernal pools, and other sensitive features, as well as all proposed stream crossing and culvert placements in accordance with APA regulations;

- (ii) A copy of the State-owned Conservation Easement governing the Project site;
- (iii) A thorough analysis of the Project's potential environmental impacts on the Cedar River Scenic River Area and the Little Moose Wilderness CEA;
- (iv) Science-based and enforceable mitigation measures that comply with State laws, regulations and guidance and that adequately protect streams, wetlands, vernal pools and other sensitive ecological features on the Project site, including the Cedar River Scenic River Area and the Little Moose Wilderness CEA;
- (v) An explanation of how the proposed clearcutting is consistent with representations made by Eastwood to SFI in response to the 2022 SFI audit findings regarding biodiversity and visual impacts;
- (vi) A full assessment of the Project's climate change impacts, including a demonstration of how the proposed clearcutting activities align with the stated climate goals of Eastwood and the Fund to promote carbon sequestration and storage and long-term climate resilience; and
- (vii) A quantification and analysis of the GHG emissions associated with the Project.

APA must fulfill its responsibility to ensure that timber harvesting activities in the Adirondack Park—particularly when taking place on lands subject to a State-owned Conservation Easement—are conducted in a manner that protects ecological integrity, complies with State laws and regulations, and advances—not undermines—New York's climate and conservation goals.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this proposed Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Amato', with a stylized flourish at the end.

Christopher Amato  
Conservation Director and Counsel

cc: Joseph Zalewski, DEC Region 5 Director  
DEC Division of Lands and Forests