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Via Email

June 26, 2026

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

**RE: LandVest Clearcutting Application
Northway Forests, LLC
Jackson Summit Tract, Town of Mayfield, Fulton County
APA Project No.: 2026-0041**

Dear Mr. Ziemann:

Protect the Adirondacks (PROTECT) appreciates the opportunity to provide comments on the application by LandVest, in partnership with Northway Forests, LLC (Northway) and Eastwood Climate Smart Forestry Fund (Eastwood), for approval of timber harvesting activities on approximately 409 acres of land in the Town of Mayfield, Fulton County (the Project). The Adirondack Park Agency (APA) has permitting jurisdiction over the Project because it meets the jurisdictional threshold for clearcutting set forth in 9 NYCRR § 573.7(b).

According to the application, the Project will consist of a seed tree harvest treatment requiring the clearcutting of approximately 409 acres. The Project site includes jurisdictional wetlands, vernal pools, permanent and intermittent streams, and Bernhardt Mountain. The Project site is classified as Resource Management by the Adirondack Park Land Use and Development Plan Map and is subject to a working forest conservation easement (Easement) owned by the State of New York.

PROTECT respectfully urges that the application be considered by the APA Board and that it be denied. As discussed in detail below, APA cannot make the requisite statutory findings for approving the Project due to the following:

- (i) The Project involves clearcutting hundreds of acres of mature forest with trees that are 70 to 100 years old and there is a substantial likelihood that regeneration will be unsuccessful;

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- (ii) The application does not include a natural resources survey and therefore lacks detailed baseline ecological information regarding the presence of wildlife and wildlife habitat on the Project site;
- (iii) The Project is incompatible with the conservation objectives of the Easement, and fails to comply with the standards and criteria for forest management activities required by the Easement;
- (iv) The application fails to include an analysis of the Project's potential environmental impacts;
- (v) The application fails to include a visual impact analysis for the clearcutting of the slopes and summit of Bernhardt Mountain, which is the highest peak in the Town of Mayfield and visible from several areas with public recreational use;
- (vi) The Project is inconsistent with representations made by Eastwood in response to a Sustainable Forestry Initiative (SFI) audit finding of noncompliance that clearcutting will not occur; and
- (vii) The detrimental climate change impacts of the Project have not been addressed.

General Comments

This application is an improvement over the clearcutting application that was previously submitted by LandVest on behalf of Northway and Eastwood to clearcut approximately 502 acres of lands bordering the Cedar River in the Town of Indian Lake, Hamilton County (APA Project No. 2025-0104). In particular, we commend the applicant for including in its application commitments to establish no-cut buffers for perennial and intermittent streams, wetlands, and vernal pools on the Project site, and for providing a harvest plan map that includes natural resource features. PROTECT also commends APA staff for requiring that the no-cut buffers for vernal pools be increased from 25 feet as proposed by the applicant to 100 feet.

However, PROTECT opposes approval of this application because it involves the clearcutting of hundreds of acres of mature forest, much of it located on steep slopes that are unsuitable for timber harvesting, along with associated roads and skidding routes that are likely to cause siltation, erosion and slope instability. Moreover, the proposed clearcutting of nearly the entirety of Bernhardt Mountain, including the summit, is in our view incompatible with responsible forest management practices in the Adirondack Park and should be the subject of a visual impact analysis. Furthermore, as with the Cedar River project, this application fails to include any consideration or assessment of the climate change impacts of the proposed clearcutting of hundreds of acres of mature forest. We again urge APA to require the applicant to provide such an assessment, as required by the Climate Leadership and Community Protection Act (CLCPA), and believe that the Agency cannot lawfully approve this application in the absence of that assessment.

Specific Comments

PROTECT offers the following specific comments regarding the proposed Project:

Failure to Comply With Easement: The Easement identifies the conservation objectives for the Project site, including conserving natural resources and protecting environmental and scenic values; adhering to sustainable forestry principles; maintaining soil productivity; protecting water quality; maintaining biodiversity; and providing for a broad distribution of forest age classes. *See* Easement § 5.1(1). The Project is incompatible with these objectives.

Clear-cutting mountain forests can initiate erosion processes that may result in a complete loss of the soil. On a regional scale, higher altitudes in mountain areas such as the Adirondacks usually receive higher precipitation. Steep slopes are prone to surface erosion, nutrient leaching, landslides, and debris flows. Clear-cutting often contributes to reductions in root strength and soil water-holding capacity, due to soil compaction and reduced transpiration. Moreover, the removal of the forest cover exposes the soil surface to heavy precipitation and large variations in temperature.¹ In addition, clearcutting on steep slopes may lead to increased mass erosion and landslides.²

The Project fails to conform to the Easement objectives because (i) it involves the clearcutting of hundreds of acres of forest on lands that include wetlands, vernal pools and perennial and intermittent streams; (ii) much of the clearcutting and construction of skid roads is proposed to be located on the slopes of Bernhardt Mountain, where gradients range from approximately 16% to over 25% near the summit; and (iii) it involves the clearcutting of the summit of Bernhardt Mountain, which at nearly 2,300 feet in elevation is the tallest peak in the Town of Mayfield and is visible from a number of public recreational sites; and (iv) the proposed clearcut will eliminate the distribution of age classes with little chance of successful regeneration.

The Project also fails to comply with several specific standards and criteria for forest management activities set forth in the conservation easement. *See* Easement § 5.1. Specifically, the Easement specifies that forest management activities should be avoided at elevations over 2,800 feet. *See* § 5.1(f)(iii). The Project includes forest management activities up to and including the summit of Bernhardt Mountain, which is approximately 2,300 feet in elevation. Although slightly less than the Easement's 2,800-foot limit, the Project's proposal to clearcut up to and including the summit of the mountain is inconsistent with the intent of the Easement's elevation restriction, which was presumably based on selective cutting. Clearcutting is more ecologically damaging than selective cutting, more likely to result in erosion and siltation, and has more significant adverse visual impacts.

The Easement also requires that forest management activities comply with the New York State Forestry Best Management Practices for Water Quality ("BMPs"). The harvest plan states that clearcutting will occur on portions of the Project site that have "moderate" slopes, including on Bernhardt Mountain, but does not define that term. In fact, Bernhardt Mountain and the tract of

¹ Schöenberger, W., and P. Brang. "Clearcutting." *Encyclopedia of Forest Sciences*, Elsevier, 2004. [ScienceDirect](http://www.sciencedirect.com/topics/earth-and-planetary-sciences/clearcutting), www.sciencedirect.com/topics/earth-and-planetary-sciences/clearcutting.

² Rice, R. M., et al. "Erosional Consequences of Timber Harvesting: An Appraisal." *Proceedings National Symposium on Watersheds in Transition*, American Water Resources Association, 1972, pp. 321–329.

land where it is located have slopes as steep as 60 percent—far exceeding the application’s characterization of those slopes as “moderate.”³ The harvest plan map shows that much of the clearcutting will occur on the slopes of Bernhart Mountain, including the summit, and that skid roads will be sited along the slopes of the mountain. The siting of these skid roads is inconsistent with the BMPs’ recommendation that skid trails avoid slopes greater than 15% (BMP at 20-21), and therefore violates the Easement condition requiring compliance with the BMPs. The siting of the skid roads on the slopes of Bernhardt Mountain is also inconsistent with APA’s clearcutting regulations, which specify that such roads must be located to minimize erosion on slopes. *See* 9 NYCRR § 573.7(d)(1)(vii). This is of particular concern given that tracked feller bunchers and grapple skidders weighing 30 to 40 tons will be used during harvest operations.

In addition, the Easement imposes requirements, conditions and data collection requirements in connection with forest management activities on the Project site, and it is unclear whether the applicant has complied with those requirements. For example, the Easement specifies that forest management activities must be conducted pursuant to either (i) a forest management plan approved by the New York State Department of Environmental Conservation (“DEC”), or (ii) pursuant to a certification from an independent forest certification program. We understand that the applicant has been certified by an independent forest certification program (SFI) and will be conducting the proposed timber harvest pursuant to option (ii). The Easement requires that exercise of option (ii) is subject to the applicant having an independent audit conducted annually to confirm compliance with the certification program and promptly providing the audit to DEC. There is no indication in the application that the applicant has complied with this obligation. The required annual audit is not included among the application materials received by PROTECT in response to our Freedom of Information Law request. The applicant should be required to provide the necessary independent audit.

The application also fails to include the biological assessment required by the Easement, thereby calling into question whether the required assessment has been completed. *See* Easement § 5.3(g). In any event, if completed, the biological assessment should have been included with the application materials because it would provide critical baseline ecological information about the Project site that is absent from the application.

Failure to Comply with Prior Commitment 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 Eastwood’s 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).⁴ Based on this commitment, the NCR was formally closed by SFI.

Eastwood’s current proposal to clearcut hundreds of acres of trees clearly contradicts its prior assurances to SFI. In fact, the permit application states that “the treatment chosen for this site

³ Upper Hudson Woodlands ATP Conservation Easement Recreation Management Plan, at 11, available at https://extapps.dec.ny.gov/docs/lands_forests_pdf/sacandagarmpp.pdf.

⁴ Available at https://sfidatabase.org/media/sfi/audits/Eastwood_Forests_LLC_SFI_FM_reassess_24.pdf.

requires heavy cutting.” This demonstrates that the proposed operations will not leave significant residual stand structure as Eastwood previously promised to SFI. The proposed prescription instead relies on heavy removal and will result in low post-harvest stocking, which is fundamentally inconsistent with the company’s commitment to SFI to maintain biodiversity through structural retention.

Lack of Baseline Natural Resources Data: The application fails to include a comprehensive natural resources survey. Although the application identifies the locations of regulated wetlands and perennial and intermittent streams and the species composition of existing forests on the Project site, it fails to include any other natural resource information such as presence of wildlife and wildlife habitat or soil stability and composition. Merely checking the Natural Heritage Program database is not a substitute for a complete on-site natural resources survey.

Lack of Visual Impact Analysis: As noted above, Bernhardt Mountain is the highest peak in the Town of Mayfield. It is visible from the eastern shore of Great Sacandaga Lake; Ferguson Mountain in the Shaker Mountain Wild Forest; Brower Hill in Mayfield; and Oak Mountain near Speculator. Each of these receive substantial recreational use by the public. Although the application acknowledges that the clearcut on the Project site may be visible to the public from the summits of nearby mountains, the application fails to include any assessment of the visual impacts of clearcutting the majority of Bernhardt Mountain, including the summit.

Climate Change: Eastwood consists of Sumitomo Forestry Company—a Japanese parent company of Eastwood—and nine other Japanese firms.⁵ Eastwood’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.⁶

Eastwood 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).⁷

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).⁸ 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

⁵ 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.

⁶ *Id.*

⁷ *Id.*

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

“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).⁹

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 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 Eastwood’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.¹⁰ This result is completely incompatible with the claims by Eastwood that its forest management practices will promote “long-term climate benefits” and enhance carbon sequestration.

Furthermore, the application fails to analyze or disclose the greenhouse gas (GHG) emissions associated with timber harvesting activities. The failure to address GHG emissions associated with the Project is also inconsistent with the CLCPA, which requires that all state agencies, including APA, determine whether a proposed action “will be inconsistent with or will interfere with the attainment of the statewide [GHG] emission limits” established in Article 75 of the Environmental Conservation Law (“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 applicant has not included any assessment of the Project’s GHG impacts, approval at this stage would be premature and legally insupportable.

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

Conclusion

For the reasons set forth above, PROTECT respectfully urges APA staff to refer the Project to the full Agency Board for review and to recommend that the application be denied. We believe that 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 with public recreation rights—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.

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

¹⁰ 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

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". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Christopher Amato
Conservation Director and Counsel