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Via Email

July 29, 2026

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

**RE: Lyme Timber Company
Clearcutting Application
Town of Colton, Saint Lawrence County
APA Project No.: 2026-0108**

Dear Mr. Ziemann:

Protect the Adirondacks (PROTECT) appreciates the opportunity to provide comments on the application by Lyme Timber Company (Lyme) for approval of timber harvesting activities on approximately 680 acres of land in the Town of Colton, Saint Lawrence 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 680 acres. The Project site includes jurisdictional wetlands, vernal pools, and intermittent streams, and also contains habitat for spruce grouse, a State-listed endangered species. *See* 6 NYCRR § 182.5(a)(6)(iii). 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 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:

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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 the locations and boundaries of all streams and wetlands on the Project site 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 habitat for spruce grouse;
- (iii) It includes no analysis of the Project's potential environmental impacts;
- (iv) It proposes potentially adverse modification of spruce grouse habitat in violation of State law;
- (v) It includes no analysis of the Project's consistency with the terms of the Easement and, in fact, the Project is inconsistent with those terms;
- (vi) The application fails to include a copy of the most recent annual audit confirming that Lyme's timber management has maintained certification by Sustainable Forestry Initiative (SFI); and
- (vii) 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 680 acre Project site includes a variety of ecologically sensitive areas, including an unspecified number of intermittent streams; an unspecified number of wetlands, vernal pools and, potentially, vernal pool complexes; a significant Natural Heritage community (Sedge Meadow, Unconfined River, Shrub Swamp); and habitat for spruce grouse, a State-listed endangered species. Spruce grouse habitat is protected by State law. *See* 6 NYCRR §§ 182.2(b); 182.2(p); 182.8(a). In addition, a large portion of the Project site is located directly upgradient from the Grasse River Flow and the South Branch Grasse River and includes streams that are tributary to those water bodies.

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 detailed natural resource inventory of the Project site. Instead, the applicant submitted a report generally describing the generic resource characteristics of all timberlands in the Adirondack Park owned by Lyme. As a result, there is no site-specific 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 impacts 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 (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(3)(1).

The application submitted by Lyme does not comply with any of these requirements. Neither the timber harvest maps nor the accompanying narrative identify the precise location of wetlands, streams, roads, culverts, stream crossings, culverts, slopes and buffers as required by APA regulations. Although the harvest map shows the general location of some wetlands, 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.

Finally, there is no indication in the Project file that APA staff conducted a site inspection to verify the locations 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. Moreover, despite claiming that the proposed clearcutting will not impact the significant Natural Heritage community, it fails to provide any support or analysis supporting that conclusion. At a minimum, the applicant should be required to evaluate potential impacts to wetlands, streams, the significant Natural Heritage community, and to spruce grouse and spruce grouse habitat 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 Application Fails to Include Any Protective or Mitigation Measures

The harvest plan claims that "appropriate buffers" will be applied to wetlands and streams, but there is no explanation of the size of the buffers and what restrictions will be imposed in buffer areas. Moreover, the commitment to apply buffers to wetlands and streams is meaningless because the boundaries of wetlands and streams on the Project site have not been delineated and field-verified.

Moreover, the mitigation measures suggested by the Department of Environmental Conservation (DEC) to protect spruce grouse and spruce grouse habitat is of questionable value because was provided by the DEC Regional Forester, not by a DEC wildlife biologist. At a minimum, Angelina Ross, DEC's spruce grouse biologist, should have been consulted and requested to provide an assessment of the Project's potential impacts on this endangered species and its consistency with the Spruce Grouse Recovery Plan, and to recommend appropriate mitigation measures.

No other mitigation measures have been proposed by the applicant.

The Application is Inconsistent With the Purpose and Terms of the Easement

The conservation 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.

The Project fails to conform to these objectives because (i) it involves the clearcutting of hundreds of acres of forest on lands that include wetlands, vernal pools and intermittent streams;¹ (ii) the applicant has failed to provide a natural resource inventory of the Project site; and (iii) the applicant has failed to provide any analysis of the potential impacts of the Project on ecologically sensitive areas of the Project site.

In addition, the Project 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 application fails to identify how the Project adheres to sustainable forestry principles, will

¹ We note that the Grasse River Complex Unit Management Plan, which governs the easement lands proposed to be clearcut, discourages clearcuts and recommends that mature softwood cover should remain intact. Grass River Complex Unit Management Plan (2019) at 70.

protect water quality, will maintain biodiversity, and ensure a broad distribution of forest age classes.

The conservation easement imposes requirements, conditions and data collection requirements in connection with forest management activities on the Project site. There is no evidence that 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 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 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 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.

The Application Fails to Address Climate Change Impacts

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; and the inconsistency of widespread mature forest removal with long-term carbon storage goals.

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.² 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 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 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 Environmental Conservation Law (“ECL”). Climate Leadership and Community Protection Act, Ch. 106, Laws of 2019, § 7(2). The 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

² 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

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.

Conclusion

PROTECT respectfully urges the APA staff to refer the Project to the full Agency Board for review and to deny the application because it 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, vernal pools, and other sensitive features, as well as all proposed stream crossing and culvert placements in accordance with APA regulations;
- (ii) A thorough analysis of the Project's potential environmental impacts including impacts on the significant Natural Heritage community and on spruce grouse and spruce grouse habitat;
- (iii) A thorough explanation of how the Project complies with the terms and conditions of the conservation easement;
- (iv) Science-based and enforceable mitigation measure 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;
- (v) A copy of the most recent annual audit by an independent forest certification program;
- (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.

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—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, flowing script.

Christopher Amato
Conservation Director and Counsel

cc: Angelina Ross