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Peter Bauer
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Via Email

August 19, 2026

Hon. Amanda Lefton
Commissioner
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York

Re: Clearcutting on Conservation Easement Lands in the Adirondack Park

Dear Commissioner Lefton:

Protect the Adirondacks (PROTECT) respectfully submits this letter to bring to your attention the inadequate review by the Department of Environmental Conservation (DEC) of proposals to clearcut hundreds of acres of mature forests on private lands in the Adirondack Park that are subject to State-owned conservation easements. The proposed clearcuts are inconsistent with the terms of those easements, which are intended to protect natural and scenic resources, preserve biodiversity, and promote *sustainable* forest management.

PROTECT therefore urges you to take immediate action to protect the public's investment of more than \$33 million dollars in these lands by halting three ongoing or proposed clearcutting projects. These projects would result in the loss of hundreds of acres of mature forests, are inconsistent with sustainable forest management practices, and fail to provide adequate protection of the natural resources the conservation easements were established to protect.

Two of the three proposed clearcuts, totaling more than 900 acres, are located on lands owned by Eastwood Climate Smart Fund/Northway Forests, LLC (Eastwood), the Eastwood Cedar River clearcut and the Eastwood Bernhardt Mountain clearcut. The third, approximately 680 acres in size, is on lands owned by Lyme Timber, LLC (Lyme). All three projects are subject to

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Adirondack Park Agency (APA) permitting jurisdiction because they involved clearcutting in excess of 25 acres. PROTECT has submitted extensive comments to APA regarding all three applications, identifying significant deficiencies in the applications and explaining why the proposed projects fail to comply with the terms of the applicable conservation easements. Copies of PROTECT's comment letters on the Eastwood Cedar River clearcut, the Eastwood Bernhardt Mountain clearcut, and the Lyme Timber clearcut are annexed to this letter as **Exhibits A, B and C**.

The Conservation Easements

The Conservation Easement governing the Eastwood lands was purchased by The Nature Conservancy (TNC) on December 27, 2010 and transferred by TNC to the State of New York on that same date for \$30 million. A copy of the easement is annexed as **Exhibit D**. The Conservation Easement governing the Lyme lands was purchased by the State of New York on March 27, 2007, for \$3,375,800. A copy of that easement is annexed as **Exhibit E**.

The easements contain nearly identical provisions establishing the purposes of the easements and the standards governing forest management activities. The purposes of the easements are explicit: to ensure sustainable forest management; protect and conserve the natural and scenic resources of the properties; and preserve biodiversity. *See* Ex. B at 3-5; Ex. C at 3-4. A critical prerequisite for achieving these objectives is the preparation by the landowner of a comprehensive, baseline ecological survey of the easement lands identifying sensitive and unique ecological features. Ex. B at 14-15; Ex. C at 59-63.

The easements further require that forest management activities adhere to sustainable forestry practices; maintain soil productivity; maintain or enhance water quality; protect Special Treatment Areas, including wetlands, intermittent and permanent streams, lakes and ponds, rivers classified under the Wild, Scenic and Recreational Rivers System Act, and unique plant and wildlife habitats; maintain or enhance biological diversity; and provide for a broad distribution of forest age classes. *See* Ex. B at 5, 12, 15, 32-33; Ex. C at 7, 45-46.

The easements also require that forest management activities be conducted pursuant to either (i) a forest management plan approved by DEC, or (ii) certification of the landowner's forest management activities from an independent forest certification program. Ex. B at 29-35; Ex. C at 46-53. If a landowner elects the certification option, it must provide DEC with all certification documentation and annual audits demonstrating compliance with the certification requirements. Ex. B at 29-30; Ex. C at 51-52. DEC must also review the certification program every five years to determine whether it continues to satisfy the standards and criteria established by the easement. Ex. B at 30; Ex. C at 52.

The Clearcuts Do Not Comply With the Easements' Terms

As discussed in greater detail below and in ROTECT's attached comment letters, the Eastwood and Lyme clearcutting proposals fail to comply with the applicable Conservation Easements in several significant respects.

A. Eastwood's Cedar River Clearcut

Eastwood's Cedar River project is a 502-acre clearcut on lands containing significant and sensitive ecological resources. The project site includes the Cedar River Scenic Area, trout streams, wetlands, and vernal pools. It also borders the Little Moose Wilderness Area, and the portion of the site located within 1/8 mile of that boundary is designated a Critical Environmental Area (CEA) under the APA Act.

Eastwood's application to APA fails to satisfy both the Agency's regulatory requirements and the easement terms in several respects:

- It lacks site-specific, baseline ecological information documenting natural resources present on the project site
- It does not identify precisely where clearcutting would occur
- It fails to identify stream crossings, culvert locations, wetlands, and required buffers
- It fails to evaluate potential impacts to streams and wetlands, the Cedar River Scenic Area, the Little Moose Wilderness Area and associated CEA, wildlife and plant communities, and biodiversity
- The proposed stream and wetland buffers fail to meet applicable State standards, and in some instances heavy equipment is permitted in buffer areas
- It fails to propose adequate measures to avoid or mitigate potential environmental impacts

These deficiencies are inconsistent with the easement's express requirements to protect water quality, biodiversity, and scenic resources, and to ensure that forest management activities comply with sustainable forestry standards. The clearcutting project is also inconsistent with the easement's requirement that a diversity of forest age classes be maintained. The project will result in an even aged forest, lacking diversity of species, and Eastwood does not have a specific plan to conducting tree planting or seeding after the clearcutting operation is completed.

Eastwood also failed include a copy of the easement in its application as required by APA regulations. Moreover, the records produced by APA in response to a Freedom of Information

Law (FOIL) request contain no indication that APA consulted with DEC regarding whether the proposed clearcut complies with the easement's terms.

The APA FOIL response likewise contains no documentation confirming that Eastwood has either a DEC-approved Forest Management Plan or current certification from an independent forest certification program. Nor does the record demonstrate that Eastwood completed the comprehensive baseline natural resource survey required by the easement.

B. Eastwood's Bernhardt Mountain Clearcut

The Bernhardt Mountain project is a clearcut of approximately 409 acres of mature forest on the Jackson Summit Tract in the Town of Mayfield, Fulton County. The Project fails to conform to the Conservation Easement in several important respects. First, it involves clearcutting hundreds of acres of forest containing wetlands, vernal pools and perennial and intermittent streams, while providing inadequate buffers to protect water quality. Second, substantial portions of the clearcutting and associated skid road construction are located on the slopes of Bernhardt Mountain, where gradients range from approximately 16 percent to over 25 percent near the summit. These steep slopes increase the risk of erosion and sedimentation. Third, the project involves clearcutting of the summit of Bernhardt Mountain, the highest peak in the Town of Mayfield, which is visible from several public recreational locations. Each of these impacts is inconsistent with the conservation objectives of the easement. The proposed clearcut is also inconsistent with the easement's requirement that a distribution of age classes be maintained.

The visual impacts are particularly significant. Bernhardt Mountain 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. These locations receive substantial recreational use by the public. Although Eastwood's application acknowledges that the clearcut may be visible from the summits of nearby mountains, it contains no meaningful assessment of the visual impacts of clearcutting the majority of Bernhardt Mountain, including its summit. The absence of such an assessment is inconsistent with the easement's express purpose of protecting scenic and aesthetic values.

As with the Cedar River project, APA's FOIL response contains no documentation confirming that Eastwood has either a DEC-approved Forest Management Plan or current certification from an independent forest certification program. There is also no documentation that Eastwood completed the comprehensive baseline natural resource survey required by the easement. Nor is there any indication that APA consulted with DEC regarding whether the clearcutting project complies with the easement terms.

C. Lyme's Town of Colton Clearcut

The Lyme project involves clearcutting approximately 680 acres in the Town of Colton, St. Lawrence County. The project site contains and is adjacent to numerous sensitive natural resources, including wetlands, vernal pools, and intermittent streams; a significant Natural Heritage community including sedge meadow, shrub swamp, and unconfined river habitats; habitat for the State-listed endangered spruce grouse; and tributaries flowing toward the Grasse River system.

Lyme's application fails to satisfy both APA's regulatory requirements and the terms of the Conservation Easement terms. Among other deficiencies, it fails to include a field-verified natural resource inventory; complete mapping of wetlands, streams, vernal pools, slopes, roads, culverts, and stream crossings; adequate documentation of wildlife habitat, particularly for sensitive species. The application also fails to include any meaningful analysis of potential impacts on wetlands and streams, the Natural Heritage community, water quality, biodiversity and spruce grouse habitat. Although Lyme's application asserts that the project's impacts will be minimal, it provides no scientific data or analysis supporting that conclusion.

The application also fails to establish adequate buffers to protect wetlands and streams, proposes no meaningful mitigation measures, and fails to address whether the clearcut is consistent with DEC's Spruce Grouse Recovery Plan. The clearcutting project will result in an even aged forest, lacking diversity of species, and Lyme does not have a plan to conduct tree planting or seeding after the clearcutting operation is completed. For these reasons, the project is inconsistent with the easement's express objectives of protecting natural and scenic resources, maintaining biodiversity and water quality, following sustainable forestry principles, and maintaining a diversity of forest age classes.

In addition, APA's FOIL response contains no documentation confirming that Lyme has either a DEC-approved Forest Management Plan or current certification from an independent forest certification program. Nor does the record demonstrate that Lyme completed the comprehensive baseline natural resource survey required by the easement. Finally, there is no indication that APA consulted with DEC regarding whether Lyme's clearcutting project complies with the terms of the Conservation Easement.

Climate Change Concerns

Apart from the inconsistency of the Eastwood and Lyme clearcuts with the applicable Conservation Easements, PROTECT believes that DEC must evaluate the projects' climate impacts. Neither APA nor DEC have undertaken an evaluation of the climate consequences of clearcutting more than 1,500 acres of forests, including the reduction in carbon sequestration resulting from removal of mature forests; carbon emissions associated with the disturbance of soils and vegetation; greenhouse gas (GHG) emissions generated by timber harvesting and related

activities; and the projects' consistency with New York's Climate Leadership and Community Protection Act (CLCPA).

Given the State's substantial financial investment in these Conservation Easements and the easements' express conservation purposes, DEC should not permit forest management activities that may undermine both those purposes and the State's broader climate objectives without a rigorous assessment of their climate impacts.

Conclusion

PROTECT respectfully calls upon DEC to take immediate action to protect New York's more than \$33 million investment in these Conservation Easements. Specifically, DEC should immediately halt any clearcutting on the affected easement lands until the significant deficiencies identified in this letter and in PROTECT's attached comment letters have been fully addressed. DEC should also independently determine whether each proposed project complies with the applicable Conservation Easements, including its requirements concerning sustainable forest management, protection of natural and scenic resources, water quality, biodiversity, baseline ecological inventories, and the maintenance of diverse forest age classes. Going forward, DEC should independently review clearcutting applications submitted to APA that involve Conservation Easement lands to determine whether they comply with the easement terms.

The State acquired these conservation easements with a substantial expenditure of public funds to protect important natural resources while allowing for sustainable forest management. DEC has an obligation to ensure that those public investments are protected and that the easements' conservation purposes are honored. The deficiencies identified above demonstrate that this obligation has not yet been adequately fulfilled.

PROTECT respectfully requests that DEC intervene promptly to ensure that these easement lands are managed in accordance with the terms of the Conservation Easements and the public purposes for which they were acquired.

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: Ashley Dougherty, Deputy Secretary for Agriculture and Environment
Katie Petronis, DEC Deputy Commissioner for Natural Resources
Anthony Luisi, DEC Deputy Commissioner and General Counsel

Fiona Watt, Director, DEC Division of Lands and Forests

Mark Hall, APA Chair

Barbara Rice, APA Executive Director

John Burth, APA Deputy Director for Regulatory Programs