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*Conservation Director  
and Counsel*

Peter Bauer  
*Membership Coordinator*

#### **Via Email**

August 25, 2026

Shelby Livingston  
Offset Program Manager  
P.O. Box 2815  
Sacramento, CA 95812

**Re: Clearcutting on the Finite Carbon-Upper Hudson Woodlands Improved Forest Management Project in the New York Adirondack Park (Eastwood Climate Smart Fund/Northway Forests LLC); Climate Action Reserve Project ID CAR1197**

Dear Ms. Livingston:

Protect the Adirondacks (PROTECT) respectfully submits this letter to bring to your attention two projects to clearcut hundreds of acres of mature forests on private lands in the Adirondack Park that are enrolled in California's carbon credit program through Climate Action Reserve (Project ID CAR1197). The proposed clearcuts appear to be inconsistent with the restrictions on lands enrolled in California's carbon credit program because they will result in even-aged forests that are not in compliance with the applicable forest management protocol required by California. The owner of the lands in question is Eastwood Climate Smart Fund/Northway Forests, LLC ("Eastwood").

The two projects 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 sensitive natural resources on and adjacent to Eastwood's properties. PROTECT therefore requests that you evaluate whether the Eastwood clearcut projects require removal of the subject properties from the carbon credit program.

The two proposed clearcuts, totaling 733 acres, are the Eastwood Cedar River clearcut and the Eastwood Bernhardt Mountain clearcut. These projects are

**Protect the Adirondacks**

PO Box 48, North Creek, NY 12853 518.251.2700

[www.protectadks.org](http://www.protectadks.org) [info@protectadks.org](mailto:info@protectadks.org)

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subject to New York Adirondack Park Agency (APA) permitting jurisdiction. *See* New York Executive Law § 810(e)(2)(11).

A permit from APA is required because the projects will result in clearcutting more than 25 acres of land. According to the APA Act, clearcutting is defined as “cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle”. New York Executive Law § 802. APA regulations further define a clearcut as an area “where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested”. 9 NYCRR § 570.3(f). Accordingly, these projects require permits from APA because the residual basal area after the clearcutting will be less than 30 square feet per acre.

PROTECT submitted extensive comments to APA regarding the clearcutting applications, identifying significant deficiencies in the applications and explaining why the proposed projects fail to comply with the terms of the applicable conservation easements held by New York State through the New York Department of Environmental Conservation (DEC). Copies of PROTECT’s comment letters to APA on the Eastwood Cedar River clearcut and the Eastwood Bernhardt Mountain clearcuts are annexed to this letter as **Exhibits A and B**. A copy of PROTECT’s letter (without exhibits) to DEC regarding the clearcutting projects is annexed hereto as **Exhibit C**.

### **The Clearcuts Do Not Comply With California’s Restrictions on Clearcutting**

Eastwood’s clearcutting proposals apparently fail to comply with the applicable California restrictions for lands enrolled in the carbon credit program. According to California’s restrictions as set forth in the U.S. Forest Protocol dated July 20, 2023, forest management practices “must meet a minimum set of standards to ensure environmental integrity associated with a balanced distribution of age and habitat classes across the landscape”. U.S. Forest Protocol p. 24. Forest management practices that result in “even-aged” forests are limited in size based upon the square feet of basal area per acre retained after a cutting. Where the forest will retain less than 30 square feet per acre, as is the case with Eastwood’s two clearcutting projects, the maximum size of the harvest block is restricted to 120 acres or less. U.S. Forest Protocol pp. 24-25.

Notably, we have seen no documentation confirming that Eastwood has either a DEC-approved Forest Management Plan or current certification from an independent forest certification program. In response to our formal complaint regarding Eastwood’s compliance with its Sustainable Forestry Initiative (SFI) certification, we learned that on July 31, 2026 Eastwood removed its New York lands from its SFI certification. A copy of our letter regarding the SFI certification is annexed hereto as **Exhibit D**. It is unclear to us whether Eastwood has a Forest Stewardship Council certificate for its New York lands.

#### A. Eastwood's Cedar River Clearcut

Eastwood's Cedar River project involves clearcutting 324 acres of lands that contain or are adjacent to 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 project site located within 1/8 mile of the wilderness boundary is designated a Critical Environmental Area (CEA) under the APA Act.

Eastwood's application to APA fails to satisfy both that Agency's regulatory requirements and the DEC conservation 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; and
- It fails to propose adequate measures to avoid or mitigate potential environmental impacts.

Despite these deficiencies and inconsistency with DEC's easement expressly requiring protection of water quality, biodiversity, and scenic resources, and compliance with sustainable forestry standards, APA approved the project in July 2025. We believe that the clearcutting is currently ongoing or was completed in 2026.

The clearcutting project does not ensure that a diversity of forest age classes is maintained. The project will result in an even aged forest, lacking diversity of species, and Eastwood does not have a specific plan to conduct tree planting or seeding after the clearcutting operation is completed. This proposal to leave a residual basal area of less than 30 square feet per acre on 324 acres far exceeds the maximum 120 acres of clearcutting permitted pursuant to the U.S. Forest Protocol. Accordingly, this project appears to be in violation of California's carbon credit program.

#### 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. This project involves clearcutting hundreds of acres of forest containing wetlands, vernal pools and perennial and intermittent streams, while providing inadequate buffers to protect water quality. There is also no

documentation that Eastwood completed a baseline natural resource survey of the property. 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. This project also involves clearcutting of the summit of Bernhardt Mountain, the highest peak in the Town of Mayfield, which is visible from several public recreational locations.

This clearcutting project does not ensure that a diversity of forest age classes is 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. This proposal to leave a residual basal area of less than 30 square feet per acre on 409 acres far exceeds the maximum 120 acres of clearcutting permitted pursuant to the U.S. Forest Protocol. Accordingly, this project is in violation of California's carbon credit program.

### **Climate Change Concerns**

Apart from the inconsistency of the Eastwood clearcuts with APA regulations, the applicable Conservation Easements held by New York State, and the California restrictions limiting clearcutting on carbon credit lands, PROTECT believes that projects' climate impacts warrant greater review. Neither APA nor DEC have undertaken an evaluation of the climate consequences of clearcutting hundreds of 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; and greenhouse gas (GHG) emissions generated by timber harvesting and related activities.

### **Conclusion**

The clearcutting projects will not maintain a sustainable and diverse forest, and fail to ensure protection of natural and scenic resources, water quality, and biodiversity. In order to uphold the integrity of California's carbon credit program, PROTECT respectfully calls upon you to review Eastwood's Cedar River and Bernhardt Mountain clearcutting projects to determine whether Eastwood's Adirondack Park properties should be removed from California's carbon credit program. We also request that future carbon accounting for Eastwood's lands accurately reflect the carbon lost as a result of the clearcutting of its Adirondack Park lands.

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Claudia Braymer  
Executive Director

enc.

cc: Mark Sippola, CARB, Cap and Invest Program Branch Chief  
Stephen Shelby, CARB, Cap and Invest Program Compliance  
Katie Petronis, NYSDEC Deputy Commissioner for Natural Resources