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Via Email

October 28, 2026

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

RE: Lyme Timber Company
Clearcutting Application
Town of Arietta, Hamilton County
APA Project No.: 2026-0202

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 500 acres of land in the Town of Arietta, Hamilton 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 shelterwood removal cut requiring the clearcutting of approximately 496 acres. The Project site is bordered by the Jessup River to the north and Big Brook to the south, and includes numerous jurisdictional wetlands, vernal pools, and perennial and intermittent streams. 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:

(i) It does not include the ecological and site-specific baseline information and mapping required by APA regulations for clearcutting applications as set forth in 9 NYCRR § 537.7(c) and by the APA clearcutting permit application;

(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;

(iii) It includes no analysis of the Project's potential environmental impacts;

(iv) 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; and

(v) The climate change impacts of the Project have not been considered or addressed.

The Project Site is Ecologically Sensitive

The approximately 496-acre Project site includes a variety of ecologically sensitive areas, including an unspecified number of permanent and intermittent streams; and an unspecified number of wetlands, vernal pools and, potentially, vernal pool complexes. The eastern boundary of the Project site is immediately adjacent to, and proposes clearcutting up to the edge of, the Jessup River Wild Forest. The western boundary of the Project site is adjacent to the West Canada Wilderness.

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 its Forest Management System manual, which provides only a generic overview of all Lyme-owned

timberlands in the Adirondack Park. Nor did the applicant submit the detailed natural resource map required by both APA regulations and the APA clearcutting application. 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). In addition, the APA clearcutting application specifies that the application must include a clearly labeled scaled site plan map that depicts (i) the location of existing and proposed buildings, woods roads, landings, stream crossings, and culverts; (ii) wetlands, water bodies, and topography; (iii) proposed buffers; and (iv) areas where public access is provided.

The application submitted by Lyme does not comply with any of these requirements. Neither the timber harvest plan map, the location map, nor the accompanying narrative identify the locations of any proposed roads, culverts, stream crossings, buildings, landings, or buffers. The timber harvest map has no elevation markings and does not show slopes. In addition, the timber harvest plan map does not show public access areas or routes. Notably, the 2026 Speculator Tree Farm Perkins Clearing Burnham Mountain Recreation Management Plan shows public recreation facilities in the area of the tract proposed for clearcutting, as well as leased camp locations, none of which are shown on Lyme's timber harvest plan map. Although the harvest map appears to show 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. Moreover, the precise locations of streams and buffers for those streams are not shown on the timber harvest plan map. In summary, the application fails to include a site plan map that contains the basic elements required by APA regulations and APA's clearcutting application.

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, including adjoining and nearby areas of Forest Preserve. Yet the application is silent on how these resources may be impacted.

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" as described in Lyme's generic Forest Management System manual will be applied to wetlands and streams, but there is no explanation of what restrictions will be imposed in buffer areas. Moreover, the commitment to apply buffers to wetlands and streams is essentially meaningless because the boundaries of wetlands and streams on the Project site have apparently not been delineated and field-verified, nor shown on any map that can be relied upon by APA, Lyme's timber harvesters, or the public.

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

The State's 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; (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 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. Although no documentation of certification is included in the application, 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 made available by APA for review.

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.[1] This result is completely incompatible with the recognition by Lyme in its application materials that climate change is having direct and indirect impacts on New York's forests and forest ecosystems.

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 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. This Project is twice the size and scale of prior clearcutting applications of approximately 255 acres that were presented to the APA Board more than ten years ago in 2015. Additionally, the timber harvesting operations are no longer limited to winter months, which previously minimized impacts to wetlands, lowlands, streams, and soils prone to compaction or erosion. Timber harvesting operations are now taking place throughout the year due to a warming climate resulting climate change impacts to winter conditions. The climate change impacts include shorter or no periods of frozen ground, more thaws during winter, less snowpack, and more rain during winter

[1] 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

months. Moreover, as noted above, this application contains no documentation that there is a current and valid certification and audit by the Forest Stewardship Council or Sustainable Forestry Initiative. Therefore, this application should be elevated to review by the Agency Board.

We request that the Agency Board deny the application because it contains multiple material omissions, deficiencies, and inaccuracies that make it impossible for the Agency to issue the statutory findings required for approval under the APA Act and APA regulations.

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,



Christopher Amato
Conservation Director and Counsel

cc: Agency Board Members