



PRESS RELEASE

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PROTECT Opposes New APA Program to Loosen Rules for Clearcutting in the Adirondack Park

APA is now taking public comments on draft General Permit for clearcutting

*New clearcutting General Permit would dramatically ease the review over
clearcutting proposals, likely lead to new era of clearcutting in the Adirondack Park*

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Protect the Adirondacks opposes a new draft General Permit by the Adirondack Park Agency (APA) to dramatically ease the rules for clearcutting in the Adirondack Park. Current rules call for any landowner who desires to clearcut more than 25 acres to secure a permit from the APA. The new General Permit will streamline rules for various “certification” programs. Under this new General Permit state Conservation Easement lands will be automatically eligible for clearcutting. In addition to the draft General Permit the APA has issued a draft application form.

Protect the Adirondacks believes that the essence of the Adirondack Park is that it's a landscape of continuous high forest canopy. As one moves across the Adirondack Park from Forest Preserve to conservation easement lands to large private landholdings, the Park is defined by continuous, largely unbroken high forests. PROTECT believes that a decision by the APA to significantly loosen clearcutting rules will have wide ranging implications for long-term forest management in the Adirondack Park as well as seriously undermine public support for the state conservation easement program, among other negative consequences.

“The Adirondack Park has largely avoided the clearcutting controversy that raged over policy for National Forest lands, in Maine and Vermont. In Vermont statewide legislation significantly reformed the practice. This proposal seems like a step backwards” said Peter Bauer, Executive Director of Protect the Adirondacks.

APA Makes Decision Based on an Anecdote-Driven Process

The APA approved the draft General Permit in its November Board meeting and listed it for public comment in the Environmental News Bulletin (ENB) on November 28th. APA made its decision based on staff anecdotes and provided no substantial data. Staff reported that the APA issued one clearcutting permit in the last year and that it took the applicant more than a year to obtain it. APA provided no explanation for the length of time. APA stated that its current rules have led to a high number of 24-acre clearcuts in the Park and that these rules have driven forest landowners to short-term decisions of high-grading, where only trees of

high value are removed as opposed to long-term uneven-aged sustainable forest management. The APA also provided no information that showed where and how large-scale clearcutting was successful in the Adirondack Park. APA provided no data on any of its assertions in support of this draft General Permit.

“The APA made a decision purely on anecdotes without providing any information to the public. The decision to pursue the new General Permit for clearcutting was an anecdote-driven process and not a data-driven process. Good science and good data make good public policy. The APA has not come anywhere close to substantiating the need for these dramatic changes to loosen rules for clearcutting in the Adirondack Park” said Peter Bauer.

Clearcutting General Permit Threatens to Undermine Strong Public Support for State Conservation Easements Program

PROTECT is concerned that allowing easier clearcutting will weaken public support for the state’s purchase of conservation easements. Much of the 770,000 acres of conservation easement lands are owned by Timber Investment Management Organizations (TIMOs) and Real Estate Investment Trusts (REITs). If these companies engage in large-scale clearcuts, PROTECT believes this will weaken public support for land protection through conservation easements, which is a program that has enjoyed strong support from a diverse body of stakeholders in the Adirondacks. Conservation easements should be tools to ensure sustainable forestry. Clearcutting will likely erode public support for conservation easements.

“There is strong public support for conservation easements as a tool that protects both the local economy as well as the open space environment of the Adirondack Park. The public does not envision that Conservation Easement lands will be clearcut. The new APA General Permit will ease rules for clearcutting and threatens strong public support for the New York’s highly successful conservation easement program” said Peter Bauer.

Sustainable Forestry Certification Programs are Not a Substitute for 39 Development Considerations in Section 805 of APA Act

To be eligible for the new clearcutting General Permit a landowner must have their forest lands certified in one of the various “third-party” sustainable forestry certification programs, such as FSC (Forest Stewardship Council) or SFI (Sustainable Forestry Initiative). State Article 49 conservation easement lands and some Real Property Tax Law programs (480a) are also eligible. Certification is based on forest management plans that may incorporate use of clearcuts to change forest composition over the long-term in order to grow a higher percentage of high value northern hardwood trees.

PROTECT is not convinced that an FSC, SFI or Article 49 Conservation Easements lands management plan meets the criteria for a permit as specified by the consideration and review of the 39 development considerations in Section 805 of the APA Act. PROTECT calls upon the APA to compare a typical FSC forest management plan from an industrial forestland owner in the Adirondack Park with the requirements in Section 805.

The APA provides no information to compare the benefits of revising and updating its Rules and Regulations Part 573.7 “Jurisdiction and Review of Clearcutting” versus creating a new General Permit. While current APA rules and regulations are outdated, as they reference “Timber Harvesting Guidelines for New York” published by the Society of American

Foresters in 1975, creation of a new General Permit is the wrong tool to update and improve the APA's review of clearcutting.

"The APA rules and regulations that govern clearcutting are out of date. They reference a guidance manual from 1975. If the APA wants to reform its management of clearcutting in the Adirondack Park, it should focus on revision of its rules and regulations and actually do some basic research to detail the issues and problems" said Peter Bauer.

The APA is accepting public comments until December 28th. The APA is expected to make a decision at its January 2013 meeting. Protect calls upon the APA to reject this new draft permit at its meeting in January.

PROTECT has posted more detailed information and a comment letter to the APA on its website (www.protectadks.org).

Protect the Adirondacks

Protect the Adirondacks is a privately funded, IRS-approved not-for-profit organization dedicated to the protection of the 6-million-acre Adirondack Park in northern New York. PROTECT was formed through the merger of the Association for the Protection of the Adirondacks and the Residents' Committee to Protect the Adirondacks in 2009. PROTECT pursues its mission through citizen advocacy, grassroots organizing, education, research, and legal action. PROTECT is guided by a volunteer Board of Directors. PROTECT maintains an office in Lake George. For more information see www.protectadks.org.

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