


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit <b>2019-0077</b></p>
<p>In the Matter of the Application of</p> <p><b>MCKAVANAUGH POND CLUB, INC. JACKSON TIMBERLAND OPPORTUNITIES - CHAMPION, LLC</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: <b>XXXX</b></p> <p>To the County Clerk: This permit must be recorded on or before <b>XXXX</b>. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>McKavanaugh Pond Club, Inc.</b></li><li><b>Jackson Timberland Opportunities – Champion, LLC</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a proposed clearcutting of a single unit of land more than 25 acres in size in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Waverly, Franklin County.

This permit shall expire unless recorded in the Franklin County Clerk's Office on or before **XXXX**, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when the timber harvest is complete as conditioned herein.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

## **PROJECT SITE**

The project site is a 102-acre portion of a 9,809-acre parcel, located near Blue Mountain Road in the Town of Waverly, Franklin County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 315, Block 2, Parcel 4, and is described in a deed from Heartwood Forestland Fund III L.P. to McCavanaugh Pond Club, Inc., dated May 5, 2008, and recorded May 30, 2008 in the Franklin County Clerk's Office under Instrument Number 2008-00001975. The project site also includes a temporary right-of-way for access and landing purposes on adjoining property to the north owned by Jackson Timberlands Opportunities-Champion, LLC designated as Tax Map Section 300, Block 1, Parcel 1.

## **PROJECT DESCRIPTION**

The project is a clearcut harvest to remove a deteriorating overstory and improve the species mix of the understory.

The project site is currently a two-aged stand, with approximately 92 ft<sup>2</sup> per acre of basal area. The overstory contributes approximately 60 ft<sup>2</sup> of the basal area, comprised of sugar maple (66%) and beech (21%), and includes scattered yellow birch, red maple, white ash, and black cherry. The overstory is characterized by defective, low vigor, sawtimber size trees, with significant dieback, likely due to outbreaks of forest tent caterpillar infestation in the past 10 to 15 years. Sugar maple has been most seriously impacted.

The understory of the stand is dense and consistent, comprised of sapling and pole sized trees, dominated by beech and striped maple. There are also small scattered pockets of yellow birch, cherry, sugar maple, and soft maple stems in the understory component.

The silvicultural prescription is designed to remove the overstory that is deteriorating in vigor and value, and to promote desirable forest regeneration by opening the forest floor to full or nearly full sunlight. The few healthy yellow birch overstory trees will be left as a seed source, and small pockets of good commercial understory species will be retained where they occur. Active den and snag trees will be retained as well.

The intention is that the harvest of both overstory and understory trees, during a summer harvest allowing for scarification of the soil, will prepare the site for desirable commercial forest regeneration. Beech regeneration will not be eliminated, but there should be a larger component of desirable northern hardwood regeneration in the emerging forest stand.

There are no permanent water bodies on the project site. Temporary crossings will be used on intermittent streams.

The harvest boundaries will be field-delineated by a professional forester. A logging crew under contract to the project sponsor will undertake the harvest, under regular supervision of the forester.

The harvest will be undertaken using standard mechanized logging equipment. Felling will be done using a feller-buncher. A skidder will transport logs to the landing. Saw logs will be loaded on a log truck which will transport them off-site. Pulp wood will be chipped on-site and transported off-site by truck.

No new roads are proposed. Existing landings and skidder trails will be used where possible. New and existing skidder trails and landings will be established and maintained in accordance with New York State Forestry Best Management Practices for Water Quality.

A temporary right-of-way easement has been secured across the lands of Jackson Timberland Opportunities – Champion, LLC to the north, for access to the harvest site and use of a landing location.

The project is shown on the following maps, plans, and reports:

- The project site is shown on a series of five maps, each labeled, “McCav Pond 2019 Harvest,” (Project Site Maps);
- The temporary right-of-way is shown on a map labeled, “Jackson Timberland Opportunities – Champion Property – Franklin Co., NY” prepared by the Molpus Woodland Group and dated May 21, 2019;
- The timber harvest plan and cruise data are described in a 12-page document entitled “McCavanaugh Pond Club, 2019 Clearcut Harvest Plan,” (Timber Harvest Plan) prepared by Tom Rothwell and dated May 8, 2019;
- The McCavanaugh Pond Club forest management plan is contained in a document entitled, “480-A Forest Management Plan: 15 Year Update,” (Forest Management Plan) prepared by Thomas Rothwell and dated December 2017.

Copies of the Project Site Maps are attached as a part of this permit for easy reference.

### **AGENCY JURISDICTION**

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(e)(11) of the Adirondack Park Agency Act [Executive Law, Article 27], because the project involves clearcutting a single unit of land of more than 25 acres in size in an area classified Resource Management.

### **CONDITIONS**

#### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Franklin County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the activities described herein continue on the site. Copies of this permit and the Timber Harvest Plan shall be furnished by the permittee to all persons undertaking any of the activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

#### **Forest Certification Standards**

4. Authorization for the project shall remain valid so long as the permittee maintains a current Forest Stewardship Council Certification.

#### **Forest Management Plan, Timber Harvest Plan and Best Management Practices**

5. The harvest shall be undertaken under the supervision of a professional forester. The forester shall ensure that the permittee and all contractors undertake the project in accordance with the Forest Management Plan and the Timber Harvest Plan and that, where applicable, the standards contained within the New York State Forestry Best Management Practices for Water Quality are incorporated.

#### **Hazardous Materials**

6. Hazardous materials, including fuel, oil, and hydraulic fluid, shall be managed in accordance with the New York State Forestry Best Management Practices for Water Quality and New York State Department of Environmental Conservation regulations. This includes proper techniques for storage and disposal of hazardous materials, and appropriate response to spill remediation.

#### **Post-Harvest Assessment**

7. Upon completion of the timber harvesting project, the permittee shall contact Agency staff to conduct a post-harvest assessment of the project site, to document compliance with the Timber Harvest Plan, Forest Management Plan, and best management practices.

### **FINDINGS OF FACT**

#### **Background/Prior History**

1. McCavanaugh Pond Club, Inc. was established in 1951 by a group of hunting and fishing sportsmen "for the purpose of promoting the protection of fish and game, to encourage enforcement of game laws, to procure stocking of streams, lakes, and woods with fish and game, for recreation purposes, to establish game preserves, and to buy, sell, lease, and otherwise acquire real estate for such purposes and to provide campsites and recreational facilities." For the past 30 years, the club has engaged professional foresters to practice forest management.
2. The property has been enrolled in the New York State 480a Forest Tax Law Program since 2002. A 15-year revised inventory and plan update was conducted in 2017.

The property is also certified to the Forest Stewardship Council forest management standard. The current Forest Stewardship Council certification is valid until July 2022.

3. The Agency recognizes that compliance with the Forest Stewardship Council certification program requires landowners to meet strict standards for forest management that include assured regeneration of harvested areas, establishment and maintenance of sustainable harvest yields, protection of soil and water resources including establishment of riparian buffers, attention to aesthetic impacts, conservation of biological diversity, and protection of species and habitats of concern.
4. The Forest Management Plan includes a physical description of the area and forest types, as well as a full forest inventory, stand descriptions, management recommendations, and an operations schedule.

### **Project Site**

#### **Water Resources**

5. There are no permanent waterbodies on the project site. There are several intermittent streams on the project site.

#### **Wildlife/Habitat**

6. According to mapping provided by the New York State Natural Heritage Program (NYNHP), there are no rare plants, rare animals, or natural communities currently being tracked by the NYNHP on the project site.

#### **Vegetation**

7. The project site is forested, with approximately 92 ft<sup>2</sup> per acre of basal area. The overstory is comprised primarily of sugar maple (66%) and beech (21%), and includes scattered yellow birch, red maple, white ash, and black cherry. The understory of the stand is dense and consistent, comprised of sapling and pole sized trees dominated by beech and striped maple. There are also scattered pockets of yellow birch, cherry, sugar maple, and red maple in the understory.

#### **Soils**

8. Soils on the project are in the Becket/Tunbridge, Monadnock/Adams/Colton, and Rawsonville/Hogback soil series complexes, characterized mostly as well drained, deep, sandy loams formed in glacial till.

#### **Slopes**

9. The project site is on the northwest slope of the 2,323-foot Azure Mountain. The terrain is moderate to steep, with slopes ranging from 8% to 40%.

### **Pesticide and Herbicide Use**

10. No pesticide or herbicide use is proposed, and no such use is authorized herein.

### **Historic Sites or Structures**

11. According to mapping provided on the website of the New York State Office of Parks, Recreation and Historic Preservation, the project site is not located within an archaeologically sensitive area. There are no structures greater than 50 years old located on or visible from the project site.

### **Nearby Land Uses**

12. The project site is situated in the central portion of the 9,809-acre parcel, approximately 9 miles south of the village of St. Regis Falls. The project site is bordered on the southeast by a 145-acre portion of the Debar Mountain Wild Forest, which includes the summit of Azure Mountain, the Azure Mountain fire tower, and the Azure Mountain trail. The property to the north and east is owned by Jackson Timberland Opportunities – Champion, LLC, managed by Molpus Woodlands as industrial timberlands subject to a New York State Working Forest Conservation Easement.

### **Access**

13. The northern access to the project site is from the Blue Mountain Road to the east, across the Jackson Timberland Opportunities – Champion, LLC property, which is subject to a temporary right of way. An existing haul road will be used for a distance of approximately 1.25 miles from the Blue Mountain Road to a landing location, and then approximately 0.35 miles along an existing skidder trail to the McKavanaugh Pond property, and the project site.

The southern access to the project site is also from the Blue Mountain Road, approximately 1.3 miles along a private road on McKavanaugh Pond Club property.

### **Economic/Fiscal Factors**

14. The forestry industry supplies raw materials to many State value-added producers including the paper, wood pellet, wood chip, and furniture manufacturing industries.

### **Public Notice and Comment**

15. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. No comments have been received.



## **PROJECT IMPACTS**

### **Visual**

16. The project site will not be visible from publicly accessible off-site locations, including the fire tower on Azure Mountain. The project site is situated within actively managed timberlands owned by the permittee, and immediately adjacent to actively managed industrial timberlands owned by others. Any visual impacts of the proposed harvest are temporary and are consistent with existing visual impacts on these and nearby managed lands.

### **Habitat**

17. The retention of snag and den trees will provide habitat for nesting birds, small mammals, and insects.
18. The establishment of buffers adjacent to intermittent streams will establish and maintain a minimally disturbed zone for wildlife access.
19. No change in land use is proposed. The harvest will result in a young, regenerating forest stand suitable for species requiring early successional habitat.

### **Soils/Surface Waters**

20. Potential erosional impacts on the project site will be mitigated by application of the New York State Forestry Best Management Practices for Water Quality, including installation of water bars upon completion of the harvest. Extensive rutting will be avoided by the proposed dry, summer season operation, and the presence of well-drained soils.
21. The stumps of removed trees will remain in place, providing soil retention and runoff protection.
22. Temporary stream crossings and intermittent stream buffer areas will be implemented using New York State Forestry Best Management Practices for Water Quality.

### **Invasive Species**

23. There are no indications of invasive species present on the project site. There are also no indications of invasive species present on the site on which the contractor will be working prior to the harvest approved herein, therefore limiting the likelihood of transport of invasive species to or from the project site.

**Historic Sites or Structures**

24. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing § 14.09 of the New York State Historic Preservation Act of 1980.

**Operational Issues Affecting Nearby Land Uses**

25. The timber harvest will not result in any significant long-term increase in traffic to and from the project site.

**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.



PERMIT issued this        day  
of                               , 2019.

ADIRONDACK PARK AGENCY

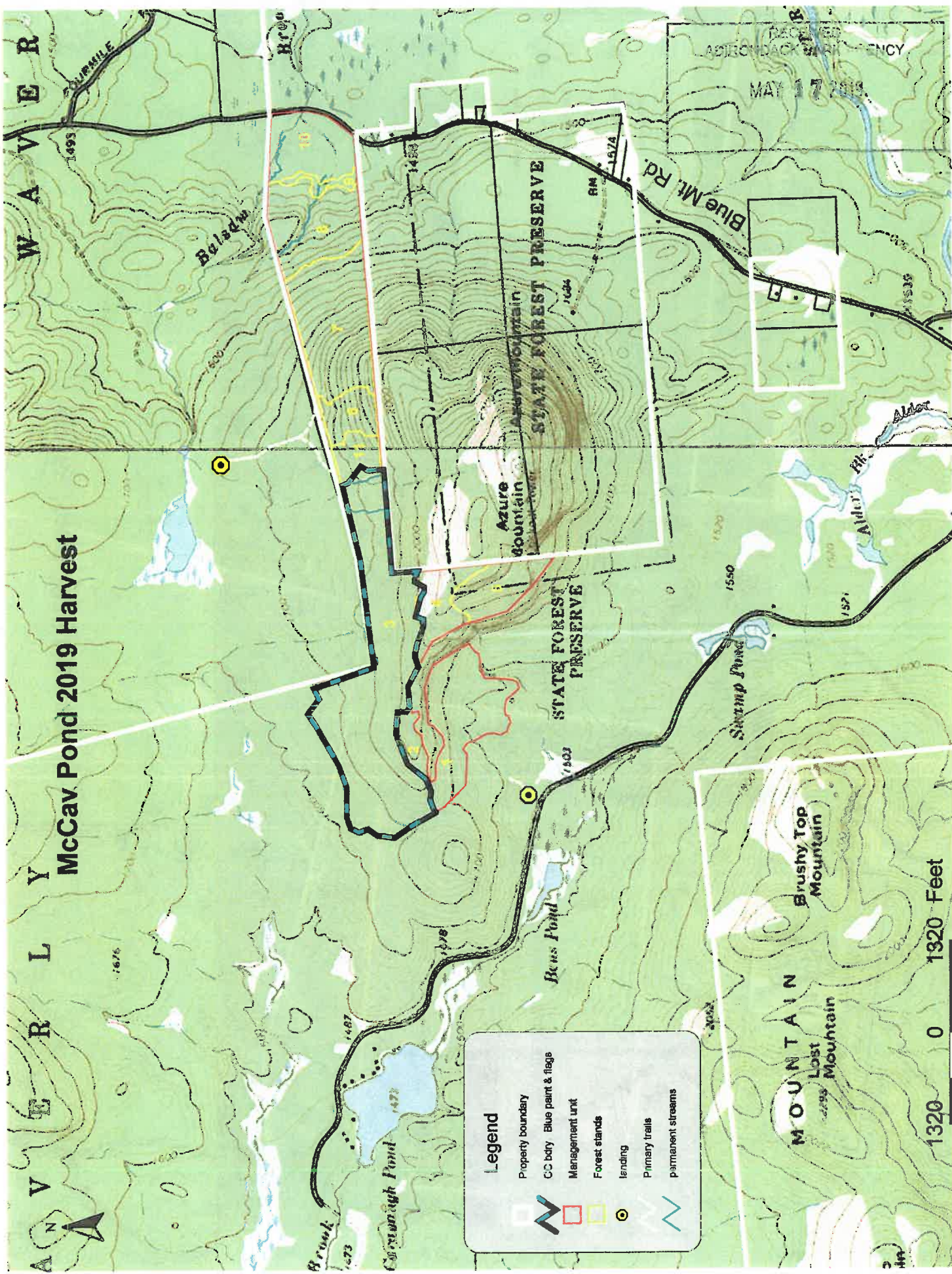
BY: \_\_\_\_\_  
Terry Martino, Executive Director

STATE OF NEW YORK  
COUNTY OF ESSEX

On the        day of                                in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Martino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

TM:ACZ:slp



# McCav Pond 2019 Harvest

**Legend**

- Property boundary
- CC body Blue paint & flags
- Management unit
- Forest stands
- ending
- Primary trails
- permanent streams

1320 0 1320 Feet

ADIRONDACK PARK AGENCY  
MAY 17 2019

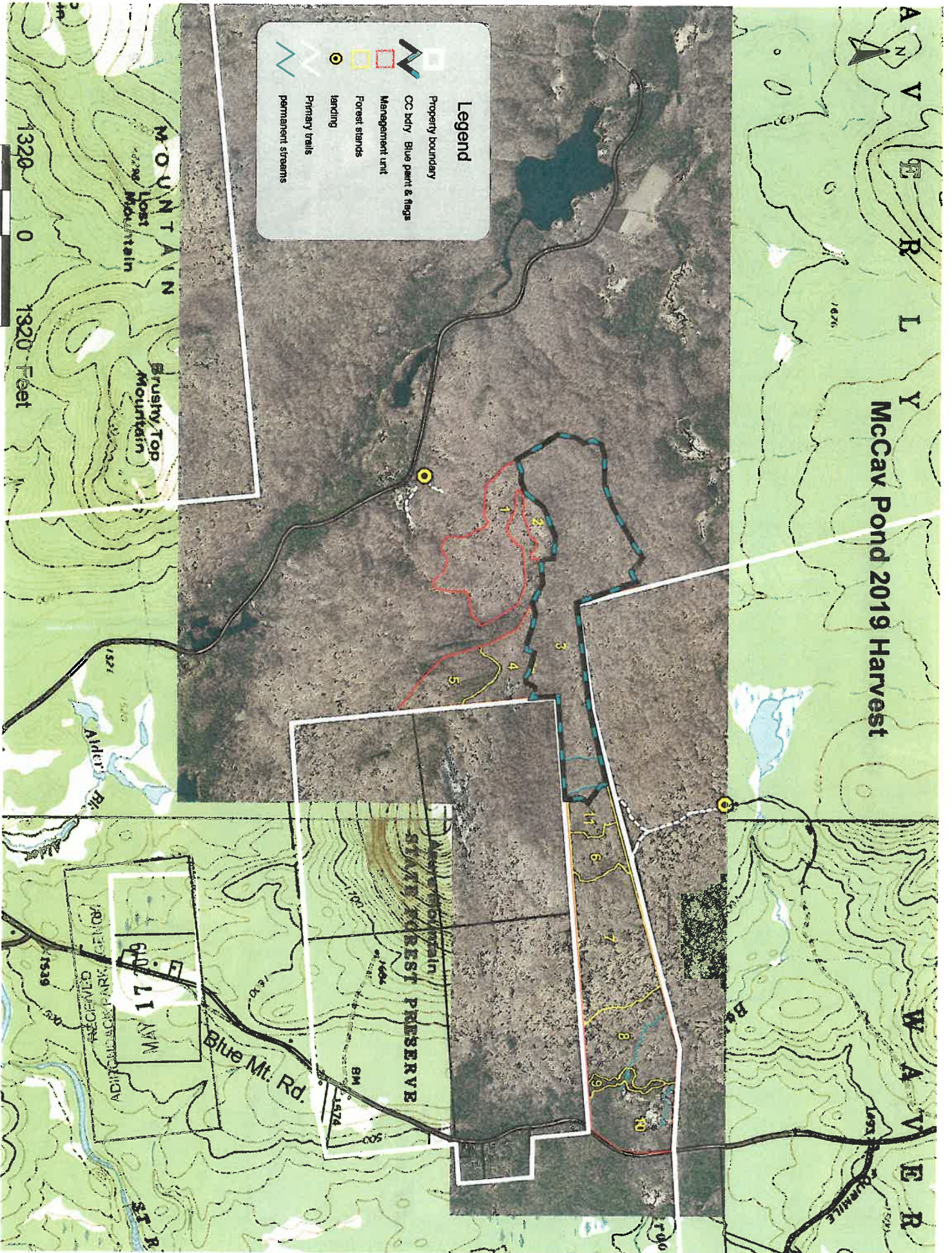


# McCay Pond 2019 Harvest



**Legend**

- Property boundary
- CC bdy Blue print & tags
- Management unit
- Forest stands
- landing
- Primary trails
- permanent streams



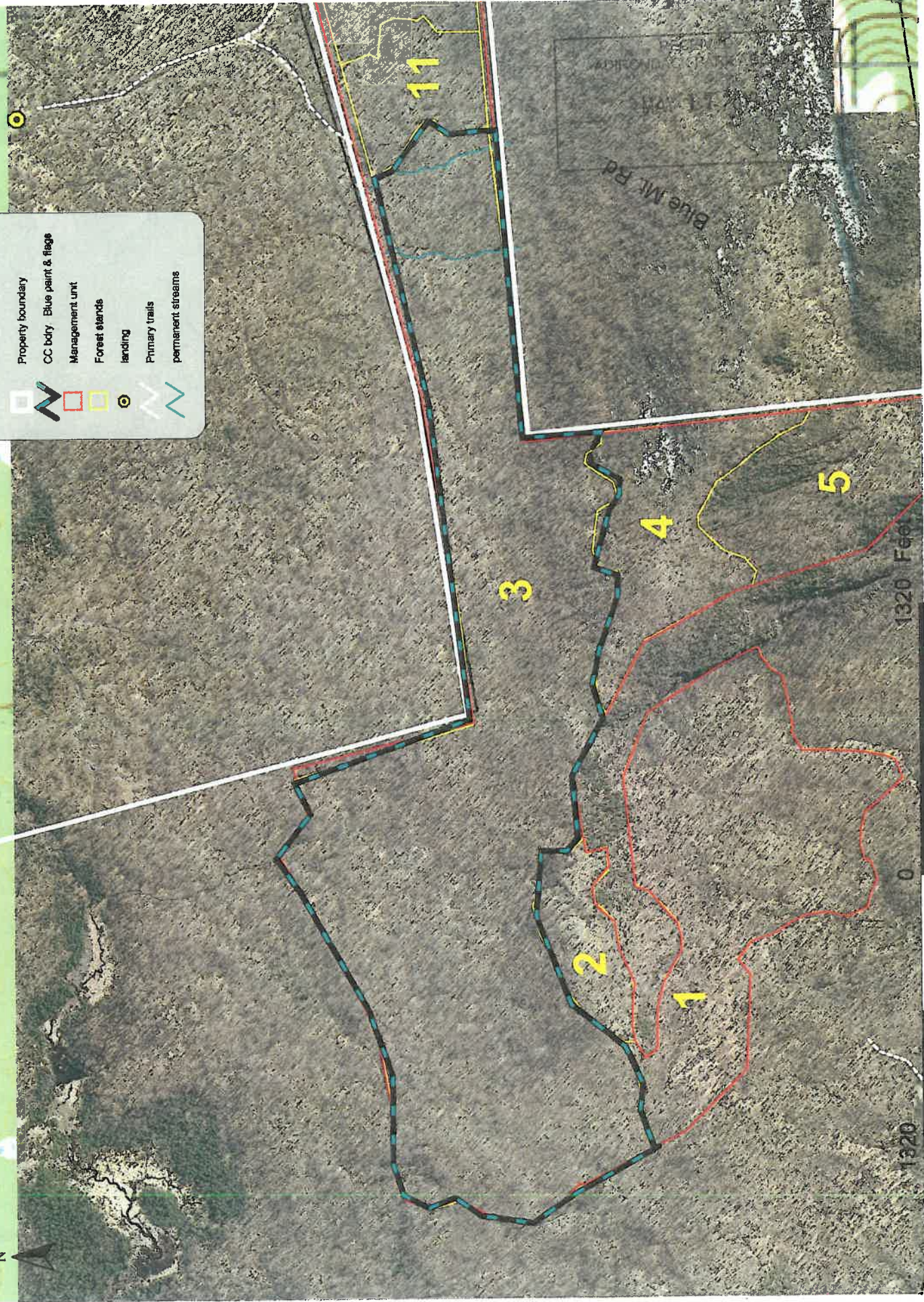


# McCav Pond 2019 Harvest



**Legend**

- Property boundary
- CC bdy Blue paint & flag
- Management unit
- Forest stands
- landing
- Primary trails
- permanent streams



1320

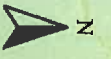
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1320 Feet

Blue Mt Rd

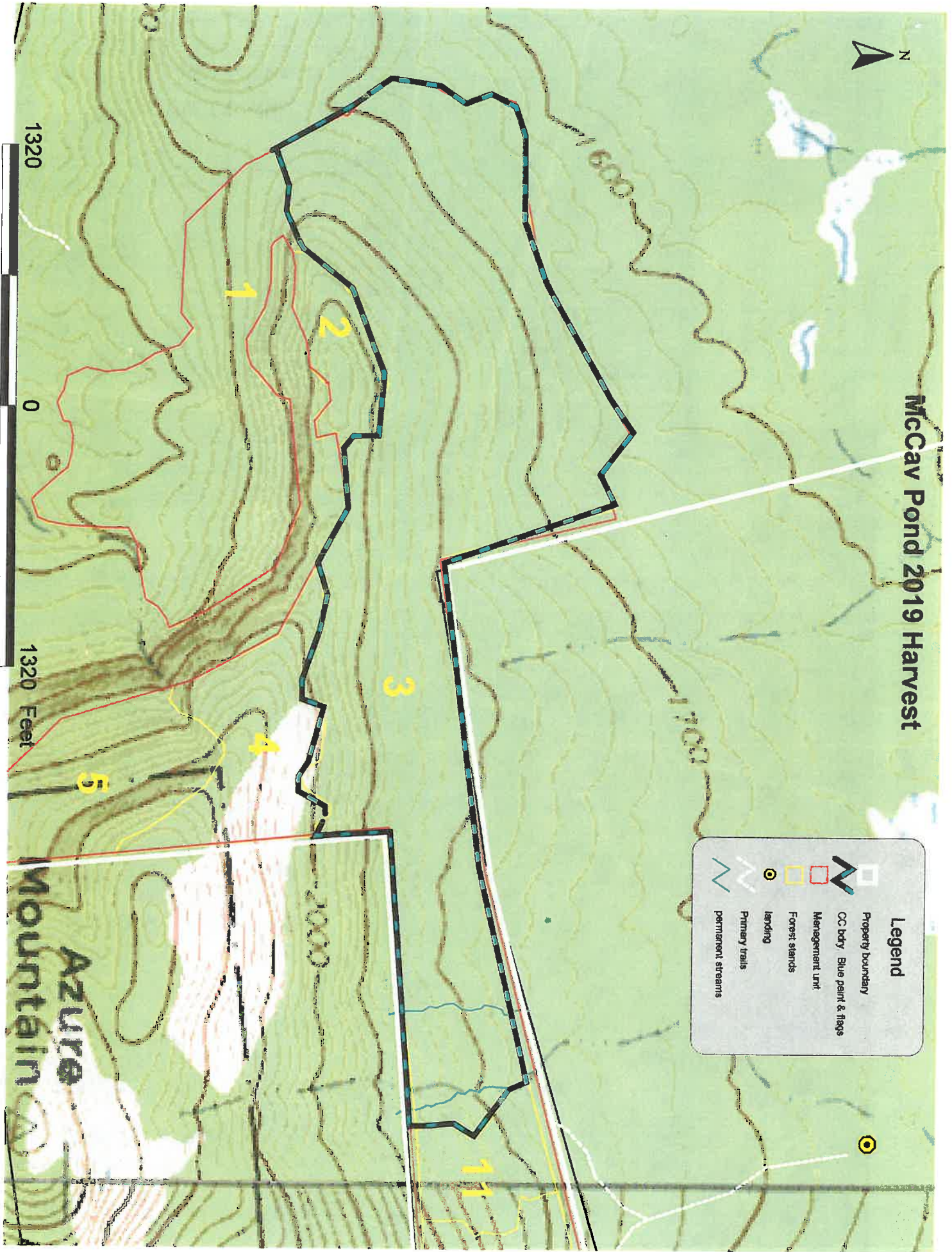


# McCav Pond 2019 Harvest



**Legend**

- Property boundary
- OC body
- Management unit
- Forest stands
- Landing
- Primary trails
- Permanent streams
- Blue paint & flags

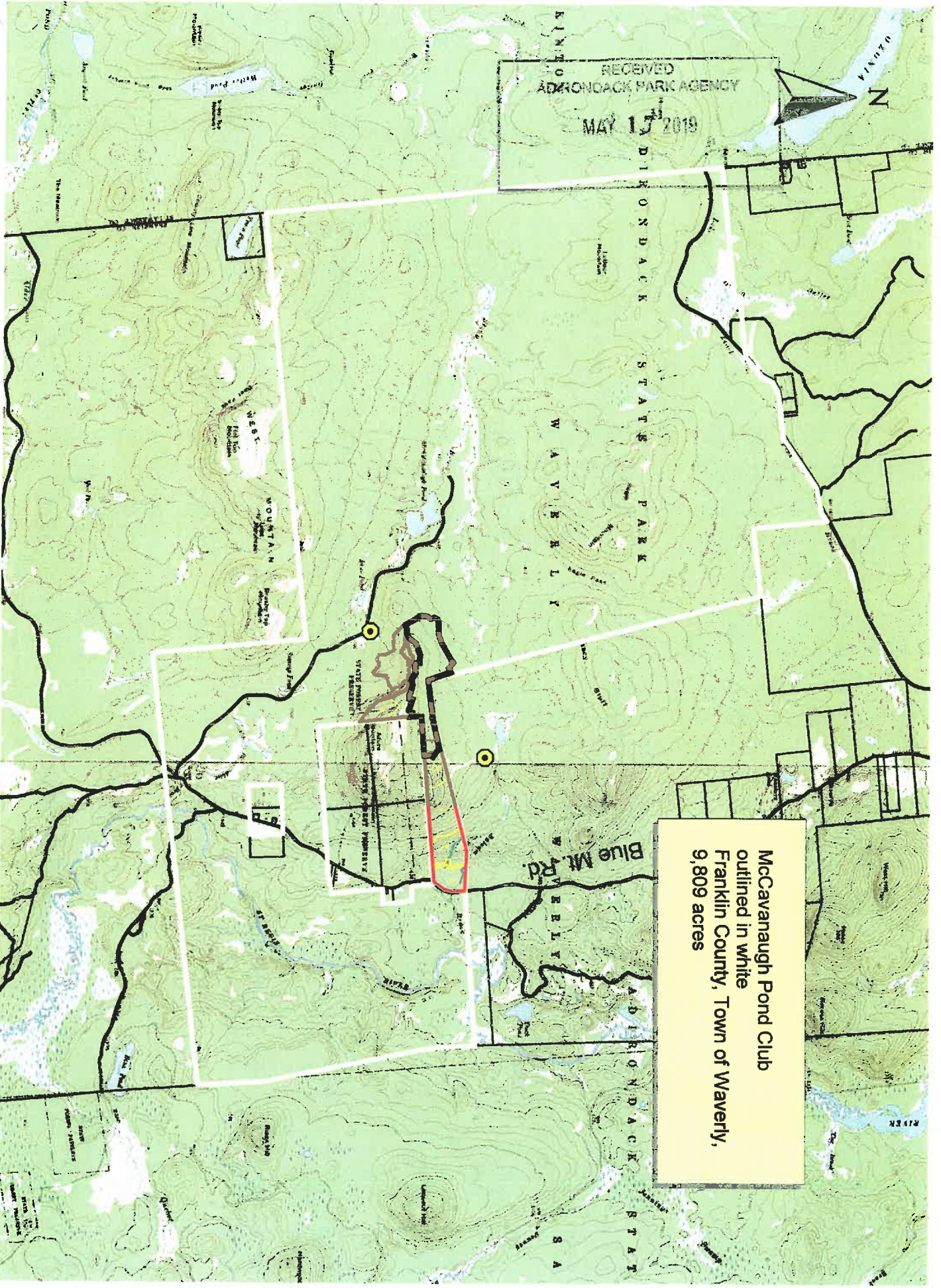




RECEIVED  
ADIRONDACK PARK AGENCY  
MAY 17 2019



McCavanaugh Pond Club  
outlined in white  
Franklin County, Town of Waverly,  
9,809 acres



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