

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ALBANY

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In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner

AFFIDAVIT OF  
JOSHUA D. CLAGUE

Index No. 2137-13  
RJI No. 01-13-ST-4541

For a Judgment Pursuant to Section 5 of  
Article 14 of the New York State Constitution  
and CPLR Article 78

Hon. Gerald W. Connolly

-against-

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
and ADIRONDACK PARK AGENCY,

Defendants-Respondents.

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State of New York :  
                                  :ss.:  
County of Albany :

Joshua D. Clague, being duly sworn, deposes and says:

1. I have been employed as an Associate Natural Resources Planner in the Bureau of Forest Preserve Management in the Division of Lands and Forests (“Division”) of the New York State Department of Environmental Conservation (“Department”) since April of 2008. I received a Bachelor of Science degree in Horticulture Science from Oregon State University in December 2000 and a Master of Arts degree in Ecological Design from the Conway School, in Conway, Massachusetts, in June of 2004.

2. In my position, I am responsible for coordinating the drafting and review of Unit Management Plans (UMPs). This responsibility includes ensuring that UMPs comply with all relevant laws, regulations, policies, and guidance documents.

3. I am familiar with the allegations in the complaint/petition (complaint) that the construction of Class II trails violates the State Constitution, Article XIV, § 1. Complaint ¶ 82. I submit this affidavit in support of the State respondents' motion for summary judgment in this matter.

4. I am familiar with the approval process associated with planning Class II Community Connector trails. Pursuant to DEC guidance, Class II Community Connector snowmobile trails are intended to be located on the periphery of the Forest Preserve as close as possible to motorized travel corridors. Record Exhibit (R. Ex.) 8 (2009 Snowmobile Guidance) at 3. Additionally, the guidance directs the elimination of snowmobile trails in remote, interior areas of the Forest Preserve. R. Ex. 8 at 5-6.

5. As community connector trails are approved through the UMP process, existing snowmobile trails are evaluated for their continued use as such. Trails that are no longer suitable for use by snowmobiles—such as those in the interior of the Forest Preserve or those that are in poor condition—are often proposed for closure. Closure of snowmobile trails in remote, interior areas and relocation of trails to the periphery, along travel corridors, are intended to provide a net benefit to the Forest Preserve. R. Ex. 8 at 5-6; *see also* September 25, 2013 Affidavit of Karyn Richards (9/25/13 Richards Aff.) ¶¶ 39, 45-46.

6. Additionally, there is a cap of 848.88 miles of snowmobile trails (both Class I, Class II, and on Forest Preserve Roads) in the Adirondack Forest Preserve. R. Ex. 19 (1986 Van Valkenberg Policy on snowmobile trails) at 7; *see also* R. Ex. 1 (State Land Master Plan Master Plan) at 32 (#4) (prohibiting any material increase in the mileage of snowmobile trails).

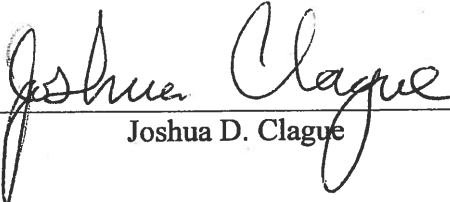
7. The complaint challenges opening of new trails, including the Seventh Lake Mountain trail, the Wilmington trail and the Gilmantown trail, but fails to consider the benefit to the Forest Preserve from the closure of older trails in remote interior areas of the Forest Preserve units where many of the trails are located. Complaint ¶¶ 69 (c)(ii); 69 (d)(i) & (ii); ; 69 (h); 72-77; R. Ex. 5 (Moose River UMP); 6 (Wilmington UMP); and 7 (Jessup River UMP).

8. Closure of old, interior trails has already taken place in the Moose River Plains Wild Forest Unit, where the 11.9 mile Seventh Lake Mountain Trail was constructed. The UMP called for closure of 39.66 miles of trail and 6.0 miles of road, a total of 45.66 miles closed to snowmobiles R. Ex. 5 (Moose River Plains Wild Forest UMP) at 131. These trail and road closures took effect immediately upon adoption of the UMP. *See* Exhibit A (map of trail closures in Moose River Plains Unit).


9. Similarly, 3.0 miles of trails have been closed to snowmobiles in the Wilmington Wild Forest Unit, where a 6.24-mile long Class II segment of the Wilmington trail was constructed on Forest Preserve land. *See* Exhibit B. (map of trail closures in Wilmington Unit).

10. In the Jessup River Wild Forest Unit, where the 2.5-mile Gilmantown Trail was opened, 4.6 miles of trail were closed to snowmobiles. Another 13.7 miles of trail will be closed to snowmobile use elsewhere in the unit when a more suitable Class II community connector trail, approximately 7.1 miles in length, can be constructed to replace them. *See* Exhibit C (map of trail closure in Jessup River Unit).

11. Throughout the Adirondack Park, as of August 10, 2016, the total estimated mileage of all approved Wild Forest snowmobile trails is 780.13 miles.

  
Joshua D. Clague

Sworn to before me this 19 day  
of August, 2016

  
Notary Public

**RICHARD W. PALMER**  
**Notary Public, State of New York**  
**No. 01PA6299773**  
**Qualified in Albany County**  
**Commission Expires March 24, 2018**

**AFFIDAVIT OF JOSHUA D. CLAGUE  
EXHIBIT LIST**

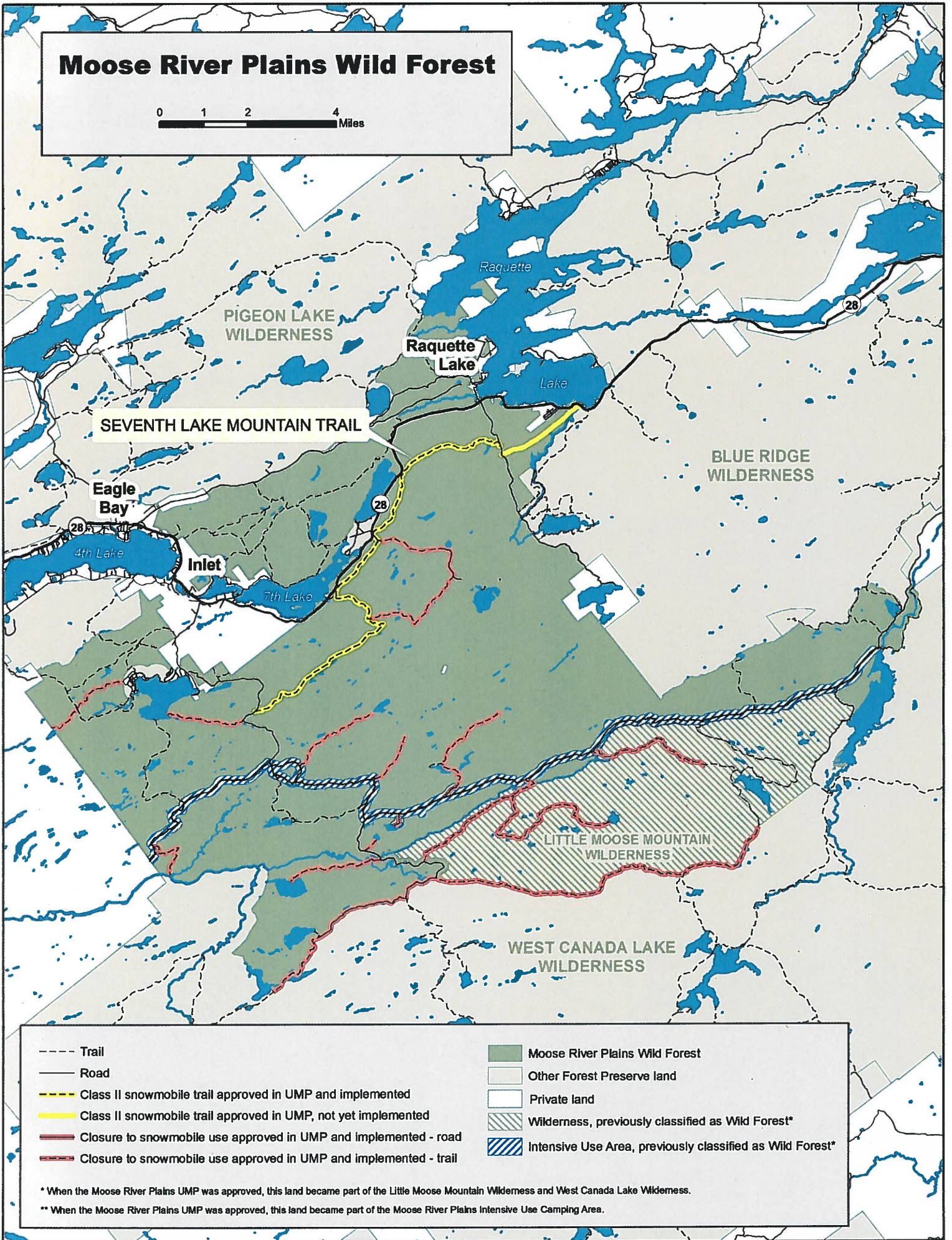
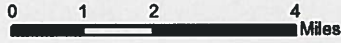
**Exhibit A: Map depicting Moose River Plains trail closures**

**Exhibit B: Map depicting Wilmington trail closures**

**Exhibit C: Map depicting Jessup River-Gilmantown trail closures**

**EXHIBIT A**

# Moose River Plains Wild Forest



- |   |   |
|---|---|
| ----- Trail   | ■ Moose River Plains Wild Forest                            |
| —— Road   | ■ Other Forest Preserve land                                |
| --- Class II snowmobile trail approved in UMP and implemented         | ■ Private land  |
| --- Class II snowmobile trail approved in UMP, not yet implemented    | ▨ Wilderness, previously classified as Wild Forest*         |
| --- Closure to snowmobile use approved in UMP and implemented - road  | ▨ Intensive Use Area, previously classified as Wild Forest* |
| --- Closure to snowmobile use approved in UMP and implemented - trail |   |

\* When the Moose River Plains UMP was approved, this land became part of the Little Moose Mountain Wilderness and West Canada Lake Wilderness.

\*\* When the Moose River Plains UMP was approved, this land became part of the Moose River Plains Intensive Use Camping Area.

**EXHIBIT B**



A Portion of  
**Wilmington Wild Forest**

0 0.5 1 2 Miles

TAYLOR POND  
WILD FOREST

Segment 3

WILMINGTON TRAIL

Wilmington

MCKENZIE  
MOUNTAIN  
WILDERNESS

WHITEFACE  
MOUNTAIN  
SKI AREA

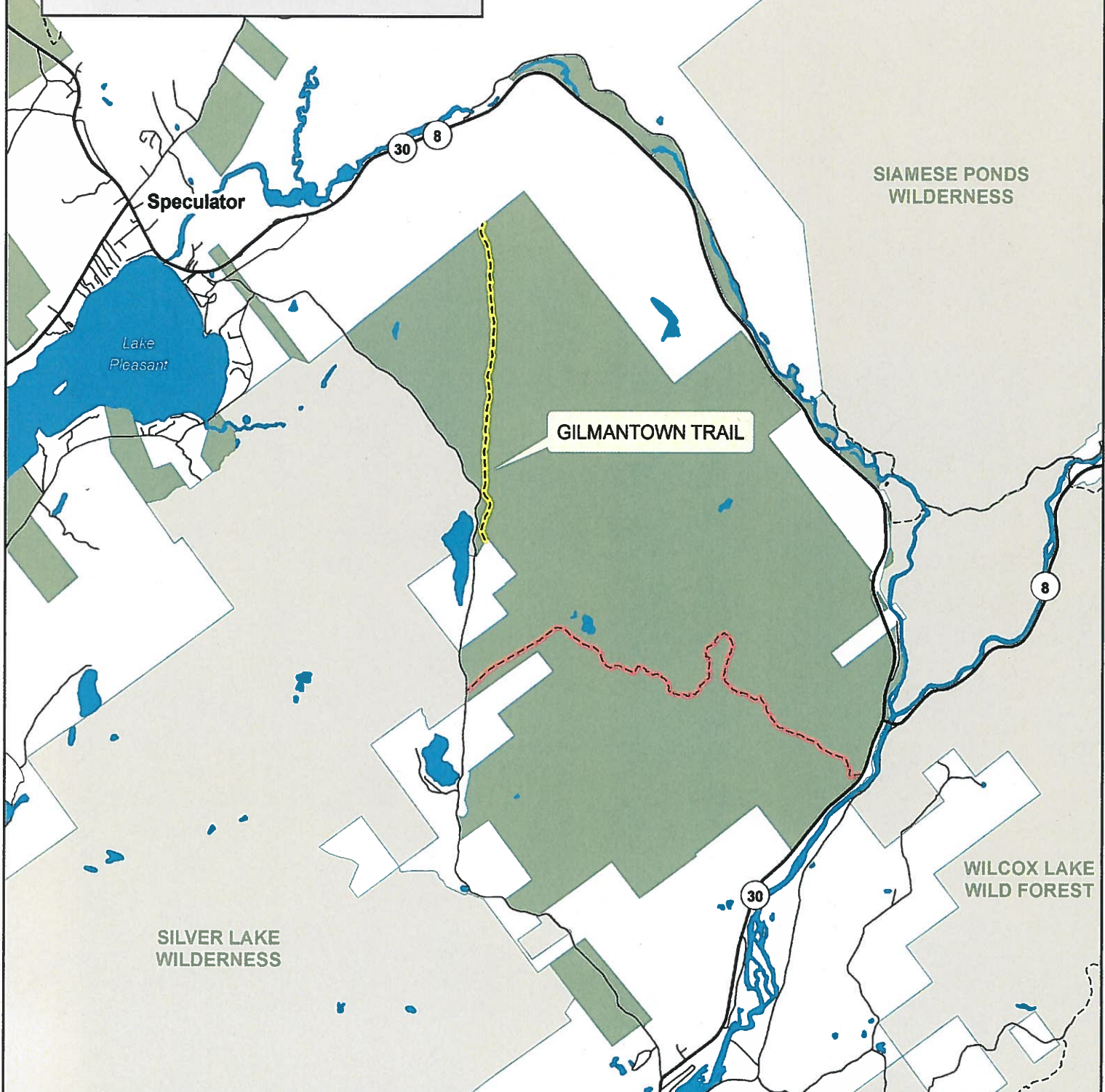
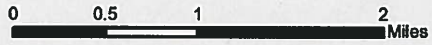
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- Trail
- Road
- Class II snowmobile trail approved in UMP and implemented
- Closure to snowmobile use approved in UMP and implemented - trail

- Wilmington Wild Forest
- Other Forest Preserve land
- Private land

**EXHIBIT C**

A Portion of  
**Jessup River Wild Forest**



Trail	Jessup River Wild Forest
Road	Other Forest Preserve land
Class II snowmobile trail approved in UMP and implemented	Private land
Closure to snowmobile use approved in UMP and implemented - trail	