

consistent with the 2009 Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park.

2. I make this affidavit in support of the State's motion for summary judgment, and to clarify a document in the Record in this matter.

3. I am responsible for the creation of the table in Record Exhibit 38 (R. Ex. 38), second page, titled "Seventh Lake Mountain Multiple Use Trail – Work Plans and Modification Report Log" (also found in Record Exhibit 36 at 3). I created this table as a means to keep track of the Seventh Lake Mountain Multiple Use Trail project when it began in 2012.

4. I created the table as I posted tree-cutting tallies in the Environmental Notice Bulletin (ENB). Memorandum LF-91-2 (R. Ex. 18 at 2-3), DEC's tree-cutting policy for Forest Preserve lands, requires public notice before cutting of trees. *Id.*

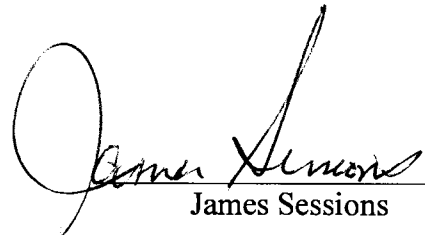
5. The ENB is produced and distributed by the DEC on a weekly basis and gives notice to the community about projects, permits, applications, and other departmental business taking place within each DEC region. The values in the "Tree Count" column in Record Exhibit 38, (page 2) which lists the number of trees to be cut for a particular trail segment, were published in the ENB. I gathered tree counts to be published in the ENB for the Seventh Lake Mountain Trail from each work plan and subsequent modification reports.

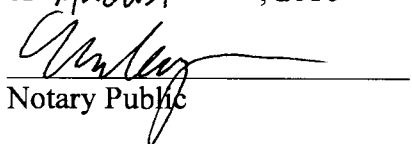
6. I misinterpreted the number of trees to be cut from two work plan modification reports which resulted in inaccurate tree counts in the ENB. The first reporting error occurred when I published 70 trees in the November 7, 2012 ENB, while the number that should have been published was actually 7. R. Ex. 38 (page 2, right column).

7. Further, 74 trees were reported in the November 14, 2012 ENB, while the number that should have been published was actually 0. *Id.*

8. Notwithstanding these two errors published in the ENB, the numbers in the “Tree Count” column of the table are accurate values taken from the work plans and subsequent modification reports for each trail segment of the Seventh Lake Mountain Trail. *Id.*

9. The mistakes in the table regarding the ENB led to artificially inflated values for the total number of trees eligible to be cut. According to the ENBs, the total number of trees authorized to be cut was 2,222 when in reality the number was 2,085. Therefore, the number of trees eligible to be cut on the Seventh Lake Mountain Trail was 2,085 as noted in Record Exhibit 38, page 2, bottom row “Tree Count Segment Total.”


James Sessions

Sworn to before me this 14 day
of AUGUST, 2016

Notary Public

MICHAEL P. NAUGHTON
Notary Public – State of New York
Registration No. 02NA6002587
Qualified in Saratoga County
Commission Expires Feb. 9, 20 18