

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  
MAXWELL A.  
WOLCKENHAUER

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

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

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    )

Maxwell A. Wolckenhauer, being duly sworn, deposes and says:

1. I am currently employed as a Natural Resource Planner with the Division of Lands and Forests (Division) of the New York State Department of Environmental Conservation (DEC or Department) in the Region 4, Stamford office, where I have been since June 2016. I previously worked in DEC's central office in Albany, for the Division of Lands and Forests in the Forest Preserve Management Bureau. I have worked for and with DEC since January 7, 2013. I hold a Bachelor of Arts in Environmental Studies, Planning and Management from

Binghamton University, Vestal, New York and a Graduate Certificate in Geographic Information Systems from SUNY Albany.

2. In my current position, I am responsible for unit management plan development for Forest Preserve units in Greene and Delaware Counties.

3. I have read the allegations in the combined complaint and petition (complaint) filed by Plaintiff-Petitioner (plaintiff) and I am familiar with the issues and circumstances of this action. I make this affidavit in support of the State Respondents- Defendants' motion for summary judgment. I previously submitted affidavits in this matter dated June 20, 2013, September 25, 2013, April 7, 2015 and November 17, 2015.

4. As part of my responsibilities when I worked at DEC's central office, I compiled information from Class II community connector snowmobile work plans for this litigation.

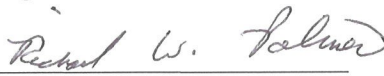
5. Attached as Exhibit A is a spreadsheet summarizing trail mileage and number of trees authorized to be cut for Class II trails that are part of this litigation. This spreadsheet is based on work plans and work plan modifications for Class II trails constructed, or for which construction was commenced between January 1, 2012 and October 15, 2014, the timeframe I understand to be relevant to this case. Ex. A. (Class II Trail Summary).

6. The Class II Trail Summary indicates the number of miles for each trail as set forth in the work plans for each trail. In some instances, the trail mileage listed in the work plan may vary slightly from the final mileage, which is set forth in the affidavits of individual foresters responsible for construction of the trails.

7. With regard to the number of trees approved to be cut for each trail, the spreadsheet reflects the maximum number of trees authorized to be cut for each trail or segment. Instances where a forester cut fewer trees than the number listed on the spreadsheet may be found in affidavits of individual foresters.

  
Maxwell A. Wolckenhauer

Sworn to before me this 19 day  
of August, 2016

  
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Notary Public

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

# **EXHIBIT A**

# Tree Tally Class II Trails

(As Per Work Plans from 1/1/12 - 10/15/14)

Trail Name	DEC Staff	Unit Name	Approximate Mileage of Trail **	Trees Approved to be Cut (# Live / # Dead)	Estimated Construction Time Period (Per Work Plans)
Gilmantown Trail	Eric Kasza / Benjamin Thomas	Jessup River Wild Forest	2.4 (.3 New Construction / 2.1 Old Roads)	127	December 2012 - January 2013
Old Powerline Trail	Jon DeSantis	Jessup River Wild Forest	2.3 (Existing Trail)	22	11/20/14 - 12/15/14
Perkins Clearing - Lewey Lake Trail	Jon DeSantis	Jessup River Wild Forest	40-50 Feet (the remainder of the trail was existing)	3 ( 1 / 2 )	10/1/14 - 10/15/14
Steam Sleigh Trail	Keith Rivers	Watson's East Triangle Wild Forest	750 Feet	43	6/1/13 - 9/30/13
North Crossover Trail*	Keith Rivers	Independence River Wild Forest	1 Mile	46	11/16/11-12/31/11
Mt. Tom East Trail	Keith Rivers	Independence River Wild Forest	1.15 Mile	124	7/2013 - 9/2013
Taylor Pond to Wilmington Connector	Dan Levy	Taylor Pond Wild Forest	0.25 Mile	133	7/7/13 - 11/15/13
Wilmington Trail Segment 3	Steve Guglielmi	Wilmington Wild Forest	2.96	482	5/1/10 - 7-31-14
7th Lake Mountain Trail (One Trail)					
Limekiln Lake Cedar River Road - 7th Lake Trail (Segment 1)	Tate Connor	Moose River Plains Wild Forest	5.1 Miles	981	9/4/12 - 12/15/13
Seventh Lake Trail to Eighth Lake Trail (Segment 2)	Tate Connor	Moose River Plains Wild Forest	1.9 Miles (1.6 New Trail)	340	9/18/12 - 12/15/13
Eighth Lake to Sagamore Rd (Segment 3)	Tate Connor	Moose River Plains Wild Forest	4.9 Miles (4.9 New Trail)	762 (644 / 118)	10/15/12-12/15/13
Newcomb, Minerva, & North Hudson Trails	<b>Under Construction - See affidavit of Robert Ripp 8/23/16</b>				
Santanoni to Lake Harris	Robert Ripp	Vanderwhacker Wild Forest / Camp Santanoni / Lake Harris Campground	2.2 Miles (2.2 New Trail)	363 ( 293 / 70 )	6/1/14 - 12/31/16
Hyslop - Roosevelt Trail(Segment 6)	Robert Ripp	Vanderwhacker Wild Forest	2.9 Miles (2.9 New Trail)	1148 (702 / 446)	8/15/15 - 12/31/16
Boreas to Stony Pond (Segment 9)	Robert Ripp	Vanderwhacker Wild Forest	5.3 Miles (1.85 New Trail)	1253 (1045 / 208)	6/1/16 - 12/31/18
Stony Pond to Minerva Woods (Segment 11)	Robert Ripp	Vanderwhacker Wild Forest	2.9 Miles (2.9 New Trail)	423 (372 / 51)	6/1/16 - 12/31/18
Palmer Pond Bridge Access	Robert Ripp/Ben Thomas	Vanderwhacker Wild Forest	Not Described in Work Plan	279 ( 250 / 29 )	No Estimate

\*Work Plan Is Prior to 1/1/12

Chart Created - August 2016

\*\* See Individual Affidavits for Exact Details