

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

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.

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' opposition of plaintiff's motion for summary judgment. I previously submitted affidavits in this matter dated June 20, 2013, September 25, 2013, April 7, 2015, November 17, 2015 and August 19, 2016.

4. I have also reviewed the affidavit of Steven Signell submitted by plaintiff in support of their motion for summary judgment.

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

6. Snowmobile trails are designated as Class II community connectors through the adoption of Unit Management Plans (UMPs). The Moose River Plains Wild Forest UMP approved the creation of the Seventh Lake Mountain Class II trail. The Seventh Lake Mountain Trail has three segments. Each segment had an original work plan. Segment 1 of the trail had 6 work plan modifications approved, segment 2 had 3 work plan modifications, and segment 3 had 1 work plan modification for a total of 13 work plans and work plan modifications.

7. Attached as Exhibit A is a spreadsheet titled "Moose River Plains Tree Cutting Totals." This spreadsheet is based on work plans and work plan modifications for Class II trails constructed in the Moose River Plains Wild Forest between January 1, 2012 and October 15,

2014, the timeframe I understand to be relevant to this case. Ex. A. (Tree Cutting Total)
(originally submitted as Record Exhibit 38).

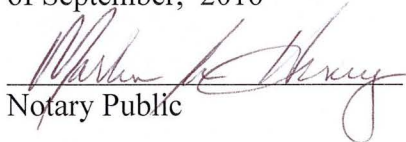
8. I created this spreadsheet shortly after I was asked to assist with the defense of this proceeding in order to illustrate the trees cut for the construction of the Seventh Lake Mountain trail.

9. The Tree Cutting Total indicates the number, size, and species of live trees authorized to be cut as set forth in the work plans and work plan modifications for the trail. It also estimates total percent of each size tree based on its dbh. Ex. A (right column). This percent is an estimate and was rounded to the nearest whole number.

10. The work plans and work plan modifications indicate that 95% of the trees cut in the Moose River Plains Wild Forest for the establishment of the Seventh Lake Mountain Trail were in the 8 inches diameter at breast height (dbh) range, or less. Ex. A (right column).


Maxwell A. Wolckenhauer

Sworn to before me this 26th day
of September, 2016


Notary Public

MARLIN A. HENRY
Notary Public, State of New York
No. 01HE6000960
Qualified in Greene County
Commission Expires December 29, 2017

**AFFIDAVIT OF
MAX WOLCKENHAUER**

EXHIBIT A

Moose River Plains Tree Cutting Totals

Species Index – Yellow Birch (YB), White Birch (WB), Red Spruce (RS), Black Cherry (BC), Hard Maple (HDM), Red Maple (RM), Stripped Maple (STM), Sugar Maple (SGRM)

Project Totals

Diameter	Species															Total by Diam	% of Total
	Beech	YB	WB	RS	Balsam	BC	HDM	RM	STM	Aspen	SGRM	Wht Pine	Est Hop	Wht Ash	Hemlock		
3"	350	18	6	141	6	0	18	97	24	0	19	0	5	1	0	685	36%
4"	267	19	7	41	2	1	26	46	17	0	27	0	1	1	0	455	24%
5"	143	14	4	20	2	0	5	76	15	0	17	0	6	0	0	302	16%
5"	99	18	6	12	6	0	11	37	3	0	15	0	3	2	1	213	11%
7"	22		1	10	0	0	0	23	1	0	1	1	2	0	0	61	3%
3"	49	7	4	10	1	1	8		0	1	10	0	1	0	2	94	5%
10"	34	9	1	3	3	0	0	13	0	0	2	0	0	0	1	66	3%
12"	14	5	0	3	1	0	1	6	0	0	1	0	0	0	1	32	2%
14"	5	2	0	2	0	0	0	2	0	0	0	0	0	1	1	13	1%
16"	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0%
10"	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2	0%
Totals	983	93	29	242	21	2	69	302	60	1	92	1	18	5	6	1924	