



3. I previously submitted affidavits in this matter dated July 19, 2016 and August 23, 2016. I submit this affidavit in opposition to the affidavit of Steve Signell dated August 26, 2016.

4. Within the Adirondack Park, I am responsible for the management of the Lake George Wild Forest, Vanderhacker Mountain Wild Forest, Hoffman Notch Wilderness Area, and Camp Santanoni Historic Area. As part of my job, I prepare unit management plans (UMPs) or UMP amendments, and implement the management recommendations outlined in approved UMPs by writing work plans and obtaining necessary permits for projects. I am the Department forester coordinating planning and construction of the Newcomb to Minerva to North Hudson Class II community connector trail system (Newcomb-Minerva-North Hudson trail), which is located in Essex County. July 19, 2016 Ripp Aff. Ex. A (map). The Newcomb-Minerva-North Hudson trail system is described more fully in my affidavit of August 23, 2016. Aug. 23, 2016 Ripp Aff. ¶¶ 17- 42.

5. Plaintiff's estimates and allegations as to how many trees would be cut for the Newcomb-Minerva-North Hudson trail vary widely. In June, 2016 plaintiff's expert Steve Signell alleged that 17,909 trees would be cut on the trail. June 30, 2016 Signell Aff. at 6, Table 1. A month later, Mr. Signell again alleged that 17,909 trees would be cut. But he attached a table to his affidavit suggesting that the Department would cut 14,120 trees on the trail. July 22, 2016 Signell Aff. Compare ¶13 to Table 1 at Ex. A.

6. Now, in his August, 2016 affidavit Mr. Signell claims that 15,145 trees would be cut on the Newcomb-Minerva-North Hudson trail. Aug. 25, 2016 Signell Aff. ¶ 24 (alleging 6,601 have been cut and 8,544 will be cut). None of these figures is correct.

7. There are also discrepancies in the tree counts for individual segments of the Newcomb-Minerva-North Hudson trail in each Signell affidavit. *Compare* June 30, 2016 Signell Aff. at 6; July 22, 2016 Aff. at Exhibit A (Table 1) and Aug. 25, 2016 Aff. at Ex. D.

8. As I have previously sworn, Mr. Signell's estimates of trees cut or to be cut on the Newcomb-Minerva-North Hudson trail are not made in accordance with DEC's current tree marking standards of 3" diameter at breast height (dbh) and greater, and are therefore greatly inflated. R. Ex. 18. (tree cutting policy).

9. As sworn to in my July 19, 2016 affidavit, I personally painted and counted each tree to be cut on each segment of the Newcomb-Minerva-North Hudson trail where construction was commenced. July 19, 2016 Ripp Aff. ¶¶ 27-40.

10. To date, I estimate 2,011 trees have been cut (of 3,187 trees authorized to be cut) on the following segments of the Newcomb-Minerva-North Hudson trail: 363 trees on the Santanoni to Lake Harris segment of the trail (Aug. 23, 2016 Ripp Aff. ¶ 24), and 1,148 trees on the Hyslop to Roosevelt segment (Aug. 23, 2016 Ripp Aff. ¶ 27). In addition, approximately 500 trees were cut on Segment 9 (Boreas to Stony Pond). The 500 tree estimate is not exact because tree cutting was halted on the trail as a result of an order of the Appellate Division. (see July 19, 2016 Ripp Aff. ¶ 22 and Aug. 23, 2016 Ripp Aff. ¶¶ 28-29). No trees have yet been cut on segment 11 (Stony Pond to Minerva); up to 423 are authorized (July 19, 2016 Ripp Aff. ¶ 23; Aug. 23, 2016 Ripp Aff. ¶30).

11. Additionally, the Newcomb-Minerva-North Hudson trail tree totals can be found in a tally of trees authorized to be cut on Class II trails, submitted with the State's motion for summary judgment. Aug. 24, 2016 Wolckenhauer Aff., Ex. A (Tree Tally Class II Trails).

12. In my July 7, 2016 affidavit, which is incorporated by reference, I explained that Mr. Signell's tree counts are inaccurate for a number of reasons, including that some of the counts are projections and/or extrapolations rather than actual tree counts; stumps of seedlings and saplings are counted in addition to trees 3" dbh or greater; stump measurements are used, rather than measurements of trees diameter at breast height (dbh); and some observations are based on photographs Mr. Signell reviewed of stumps. July 7, 2016 Ripp Aff. ¶¶ 26-40; Aug. 25, 2016 Signell Aff. ¶ 26.

13. Upon information and belief, the primary reason Mr. Signell's tree counts are so different from the numbers of trees actually cut on the Newcomb-Minerva-North Hudson trail is that Mr. Signell includes seedlings, saplings, and possibly other woody plant stumps in his tree count. Because trees are measured at dbh (diameter at breast height) pursuant to forestry standards and DEC guidance, only trees 3" dbh or greater are counted. Record Exhibit 18 at 2.

14. Mr. Signell's alleged count of trees 3" dbh or larger, does not exceed DEC's, in almost every instance. Aug. 23, 2016 Signell Aff., Exhibit D (*compare* "DEC tree Cut Est" to ">3" DBH Trees Cut").<sup>1</sup>

15. Finally, Mr. Signell alleges that 2,078 trees 3" dbh may be cut on a trail he identifies as the "Polaris Bridge trail." Aug. 23, 2016 Signell Aff. ¶¶ 77-85 and Exhibit D. This estimate is entirely speculative because there is, so far, no Polaris Bridge Trail. No work plans have been issued for this trail, no ENB notices for tree cutting have been published and the trail route has not been finalized, all of which is required before any tree cutting can be proposed and inventoried. July 19, 2016 Ripp Aff. ¶¶ 15, 18. Typically, before I identify a trail route, I walk in the forest several times, while hanging temporary flagging, to observe the terrain and scout

---

<sup>1</sup> The two exceptions are segment 8 (Roosevelt Truck Trail) and segment 11 (Stony Pond to Minerva). Segment 8 work plans have not been approved and no ENB has been published, therefore DEC does not have a tree count. With regard to segment 11, an ENB notice was published for the cutting of 423 trees, but no trees have been cut.

possible routes. I then adjust this flagging to mark the desired route, paint each tree that I anticipate will have to be cut, and finally, walk the proposed route with staff from the Adirondack Park Agency (APA) to make any further adjustments needed. Aug. 23, 2016 Ripp Aff. ¶ 19. While I have walked the forest area referred to by Mr. Signell as the Polaris Bridge trail, in very preliminary scouting efforts, I have not flagged a trail or selected a route.

16. Mr. Signell alleges that he flagged the Polaris Bridge trail himself, based on a GIS shapefile he obtained from the Plaintiff who, in turn, received it in response to a FOIL request made to DEC. He then counted trees along his flagged route within 5 feet of his centerline, estimating that 7,122 trees (including trees less than 3" inches dbh; and 0" to 1" dbh) would be removed. Aug. 23, 2016 Signell Aff. ¶¶ 78, 81. First, trees are not cut 5 feet from the centerline of a flagged route. The Class II trail width is 9 feet, not 10. Second, Mr. Signell's selected route is entirely speculative. No route has been selected on this trail, no work has commenced, no trees have been cut and it is premature to speculate what route might be selected, or what number of trees that might be cut. Accordingly, Mr. Signell's allegations with regard to the Polaris Bridge trail should be disregarded.



Robert Ripp

Sworn to before me this 27<sup>th</sup> day  
of September, 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