STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner,

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

-against-

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

Defendants-Respondents.

AFFIDAVIT OF WILLIAM AMADON

INDEX NO. 2137-13

RJI NO. 01-13-ST-4541

STATE OF NEW YORK)
) SS.:
COUNTY OF ESSEX)

William Amadon, being duly sworn, does hereby depose and say that:

1. I make this affidavit in opposition to the Defendants' motion for summary judgment.

2. I work as a professional trails manager in the Adirondack Park. I am currently employed as the Stewardship Coordinator for Champlain Area Trails, Inc. ("CATS") where I manage the development and maintenance of a vast network of foot trails in the Champlain Valley of New York. A copy of my resume is attached hereto as Exhibit A.

3. I was employed by the NYS Department of Environmental Conservation ("DEC") from 1980-1998 as a Campground Facility Supervisor at the Little Sand Point Campground

or Point Comfort Campground, where I managed the state campground facilities. I also worked for the Piseco Company during this time managing almost nine miles of foot trails.

4. During my childhood and youth growing up in Arietta, New York, in Hamilton County, within the Adirondack Park, I was an avid snowmobiler during the years from 1965-1979. I am very familiar with the requirements for safe snowmobile trails.

5. Given my experiences as a snowmobile rider on Adirondack trails and as a foot trail builder and manager, I have an acute knowledge of the differences between Class II Community Connector snowmobile trails (hereafter referred to as "connector trails") and foot trails. I am also familiar with the 2009 APA-DEC Snowmobile Trail Guidance (Record Exhibit 8).

6. I have read the memorandum of law and affidavits supporting the State's motion for summary judgment submitted by Loretta Simon of the NYS Office of the Attorney General and DEC staff, including Tate Connor and Peter Frank, and Kathy Regan from the NYS Adirondack Park Agency ("APA"). These affidavits claim that newly constructed Class II Community Connector snowmobile trails are built in the "character of a foot trail."

7. In August 2016, I visited three sections of the Newcomb-to-North Hudson-to-Minerva connector trail, including the 1.3 mile section from Santanoni to Harris Lake, and over 4 miles of sections from the Tahawus Railroad to the Roosevelt Truck Trail, and from the Hewitt Pond Road south to the end of the Forest Preserve, in the Santanoni Historic Area, Harris Lake Intensive Use Area, and Vanderwhacker Mountain Wild Forest Area. I also visited the Seventh Lake Mountain Trail and walked the trail from the Moose River Plains Road to the Uncas Road near Eighth Lake in the Moose River Plains Wild Forest Area,

over 8 miles. I also visited the Cooper Kiln Trail in the Wilmington Wild Forest area in September.

8. My visits in August provided me with a good view of DEC's connector trails in all stages of construction. I reviewed sections of the Newcomb-to-North Hudson-to-Minerva trail where work was undertaken to cut out and partially grade the trail in 2015 and where other sections were recently cut out in 2016. The sections of the Seventh Lake Mountain Trail I visited were constructed in 2012.

9. During my two days on these trails I reviewed them based on my knowledge as a former snowmobiler and as a foot trail construction and maintenance professional. In my professional judgment, these trails resemble roads far more than foot trails, create a man-made setting, and simply do not have "the character of a foot trail".

10. I am familiar with Article 14, Section 1 of the NYS Constitution. I do not believe that these connector trails meet the requirement that the Forest Preserve "be forever kept as wild forest lands." The changes to the Forest Preserve from the construction of these connector trails, due to their vast alterations of the terrain and the forest, are substantial and will be long-lasting. For the following reasons, it is my professional judgment that the construction of a network of these connector trails in the Adirondack Forest Preserve is not consistent with the wild forest character of the Forest Preserve.

11. The materials that connector trails use for bridges differs from a foot trail. Connector trails utilize large telephone pole-like logs for bridge supports. These massive logs are used in order to support multi-ton snowmobile trail groomers and heavy snowmobiles. Many stream crossings on foot trails are fords, which use stepping stones. Pictures of such connector trail bridge materials are attached hereto as Exhibit B.

12. The width of bridges constructed on connector trails is far different than bridges on foot trails. Connector trail bridges are over 12 feet wide, which contrasts with narrow foot trail bridges that are often split logs, stepping stones, or built bridges of 2-3 feet in width. Pictures of connector trail bridges and typical foot trail bridges are attached hereto as Exhibit C.

13. The width of a connector trail is dramatically different than that of a foot trail. Foot trails are narrow, just a few feet, and are routed through and around trees and around boulders. Connector trails are 9-12 feet wide and require that many trees and boulders be removed. Attached hereto as Exhibit D are pictures that show the vast difference in trail widths between connector trails and typical foot trails.

14. Connector trails require a flat surface, whereas foot trails can have an irregular trail surface. Connector trails require extensive work to flatten them, which is often undertaken with heavy machinery. Wide, flattened connector trail corridors are plainly intrusive man-made features in the forest. Attached hereto as Exhibit E are pictures that show the vast difference in flattened trail surfaces between connector trails and typical foot trails.

15. Connector trails require extensive bench cuts into side slopes that are often several feet high and run alongside a trail for long stretches. Large bench cuts made on connector trails will be visible for decades. Bench cuts are man-made features that along with tree clearing and trail widths change the wild forest character. Even if these large bench cuts re-vegetate, they will remain as unnatural geometric lines in the forest. While some foot trails may also have bench cuts, they are small, a few inches high, and are infrequently used. Foot trails are designed to blend into the forest, and utilize the least

obtrusive route that provides ease of travel, requires little construction and modification, and is easy to maintain. Attached as Exhibit F are pictures that show the vast difference in bench cuts between connector trails and foot trails.

16. Connector trails are littered with frequent stumps of big and little trees from the many trees that are cut down to build them. In many places they make hiking difficult and unpleasant. In my visits to the three connector trails, I walked over thousands of stumps. Foot trails have very few stumps and the rare stumps that are present are generally of very small trees. It is extremely rare to encounter a stump of a tree of 6 inches in diameter or more on a foot trail, yet I saw thousands of large stumps this wide on the connector trails that I visited. These will remain evident for many years and are indicative of a man-made setting. Attached as Exhibit G are pictures that show wide connector trails with many stumps and typical narrow foot trails with no stumps.

17. Connector trail surface areas often become grassy roadways. In many cases, the DEC replants highly disturbed sections of connector trails with a grass seed mix. Foot trails are not highly disturbed and there is no need to replant them with a grass seed mix. In other instances, the connector trails become thick fern fields. In still other cases connector trails are stretches of open dirt, showing the failure of the trail to regenerate. Attached as Exhibit H are pictures that show how connector trails become grassy or fern fields for long stretches, unlike most foot trails, and unlike a natural wild forest setting. These effects are also shown by the photographs of the four-year old Seventh Lake Mountain connector trail that are in Exhibit B to Tate Connor's August 2016 affidavit.

18. Connector trails, unlike foot trails, are often graded with heavy equipment. Foot trails are built with hand tools. Attached as Exhibit I are pictures of the heavy machinery

used by DEC during the construction of the connector trails.

19. Connector trails have a high incidence of damage to trailside trees due to bench cutting, which frequently cuts the roots of trailside standing trees during construction, and from use of heavy machinery during construction, which damages trunks and roots. Construction of foot trails does not create this level of trailside tree mortality and injury. Foot trail use does not injure trees or scare or injure root systems. Attached as Exhibit J are pictures of damage to trailside trees that occurred during construction of connector trails.

20. The Seventh Lake Mountain connector trail had an instance where bedrock was chipped away to make it suitable for snowmobile travel. Bedrock is not removed in this fashion in the construction of a foot trail. Hikers climb up and over bedrock. This is highly unnatural and creates a man-made setting. In the same section of connector trail, DEC placed tons of gravel in the trail corridor to stabilize highly degraded areas. Use of gravel like this does not happen on foot trails in the Forest Preserve. Use of gravel is highly unnatural and creates a man-made setting. Attached as Exhibit K are pictures that show these sections of the connector trail with chipped bedrock and gravel.

21. The connector trails I visited had many places where the trail sides were littered with boulders, stump, tree trunks, tree limbs and other debris generated during construction. At times these materials were used to build up the downslope trail surface. While these items were frequently found on the connector trails, they are rare on a foot trail. Attached as Exhibit L are pictures that show sections of connector trails lined with construction debris.

22. Connector trails have frequent boulder or stump pits on the trail sides where large boulders or tree trunks were removed from the corridor. These pits make 9 foot or 12

foot wide trails even wider. Boulders are not removed from foot trail corridors, and often, tree trunks are not removed because hikers can walk around these obstructions. These pits on connector trails are highly visible and will be a long-lasting man-made feature. Attached as Exhibit M are pictures that show some of the stump and boulder pits on the connector trails that I visited.

23. Connector trails are much wider than foot trails. Because of the widths of 9-12 feet or more in places, connector trails generate great volumes of stormwater from the significant cleared areas that requires frequent use of large waterbars, in many places a foot deep. Foot trails do not have such deep and frequent waterbars. In many case the waterbars on the connector trails extended several feet beyond the edge of the trail corridor. Attached as Exhibit N are pictures that show large waterbars on the connector trails that I visited.

24. Few other recreational features on the Forest Preserve result in openings to the forest canopy like connector trails do. It is extremely rare for a foot trail to result in a canopy opening in a forest, but this is something that I frequently saw on the connector trails that I visited. This is not natural. Attached as Exhibit O are pictures that show openings in the canopy on the parts of the connector trails that I visited.

25. Another major difference between foot trails and class II community connector snowmobile trails is the type of signage on the trails. Foot trails have small signs that are generally brown wood signs with inlaid yellow text. They are intended for readers who stop and read them. In contrast, signs on connector trails are similar to highway or road signs. They are often plastic and large format, intended for readers who are driving by them at a high rate of speed on a motor vehicle. Attached as Exhibit P are photographs of

such signs.

26. One of the biggest differences that is often overlooked is that foot trails are built for walking, whereas connector trails are designed and constructed for travel by snowmobiles often going 25 mph or more. A trail built for motor sports is very different than a foot trail.

27. Thus, Class II Community Connector snowmobile trails are far different from foot trails. Connector trails change the wild forest character of an area and create a man-made setting. Connector trails require terrain alterations that change the forest in such a way that it is not forever kept as wild forest lands.

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William Amadon

Sworn to before me this _____

day of September, 2016.

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NOTARY PUBLIC