

1 STATE OF NEW YORK
2 SUPREME COURT

COUNTY OF ALBANY

3 In the Matter of the Application of
4 PROTECT THE ADIRONDACKS!, INC.,

Plaintiff-Petitioner,

5 -against-

Index No. 2137-13

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

Defendants-Respondents.

8
9 Volume VII

- N O N - J U R Y T R I A L -

10 BEFORE: HON. GERALD W. CONNOLLY
11 Acting Justice of the Supreme Court

12
13 Transcript of the Proceedings held on the record
14 on March 21, 2017, at the Albany County Courthouse, Albany,
15 New York.

16 APPEARANCES:

17 For the Plaintiff:

18 JOHN W. CAFFRY, ESQUIRE
19 CLAUDIA K. BRAYMER, ESQUIRE
20 WILLIAM F. DEMAREST, III, ESQUIRE

21 For the Defendants:

22 LORETTA SIMON, ESQUIRE
23 MEREDITH G. LEE-CLARK, ESQUIRE
24 Assistant Attorneys General

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1 THE COURT: Good morning, ladies and gentlemen.
2 All set to begin?

3 MS. BRAYMER: Yes, your Honor. I do want to
4 address one thing that came up yesterday.

5 THE COURT: Let's see if Miss Simon is all set
6 also.

7 MS. SIMON: Good morning. Thank you. I think I
8 am.

9 THE COURT: Go ahead, Miss Braymer.

10 MS. BRAYMER: Thank you.

11 Yesterday, after the -- at some point related to
12 the video a question about the audio came up by
13 Miss Simon and I was incorrect. There is audio on that
14 video.

15 THE COURT: Okay.

16 MS. BRAYMER: It is basically Mr. Signell crunching
17 through the woods. It's just his feet and other, I
18 don't know, just some sounds.

19 THE COURT: Okay.

20 MS. BRAYMER: So I called Miss Simon about that to
21 let her know that there is audio on there and she raised
22 another issue about something that we had disclosed in
23 our supplemental disclosure back in October.

24 THE COURT: Okay.

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1 MS. BRAYMER: Relating to a separate item about
2 audio field notes that were taken by Mr. Signell. And
3 our position at that time was that they were privileged
4 observations of our expert. They were mental
5 observations and they were not simply data that he had
6 collected, and so they were privileged and we were not
7 disclosing them.

8 She asked for them again in February and we
9 repeated our position that they are not subject to
10 disclosure.

11 THE COURT: Okay. And you anticipate an
12 application by Miss Simon now?

13 MS. BRAYMER: Yes, I do.

14 THE COURT: Okay. Go ahead, Miss Simon.

15 MS. SIMON: I'm not sure where to start, except
16 that I would move to strike the entire video from
17 yesterday, because it had audio that was not aired.

18 THE COURT: Well, typically a video such as the one
19 that was played yesterday would not be played, as I
20 understand it, before the Court, and would not be
21 allowed to be played before the Court with the audio in
22 any event, because to the extent that there is any
23 audio, for example, the thoughts or statements of Mr.
24 Signell while watching, that would be functionally

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1 hearsay, even though he would be here to testify to it.

2 So I normally, I think that the video would just be
3 played the way it was without the audio. That doesn't
4 mean you are not entitled to hear the audio. That's not
5 what I'm saying.

6 So moving on to that, to that issue, I think you
7 are entitled, and I am ruling that you are entitled
8 access to the audio from that, in addition to any other
9 audio that was created by Mr. Signell, particularly at
10 this point with reference to the Third District Rule
11 that the entire file and all of the work of an expert
12 must be turned over to the opposing side at the
13 conclusion of the expert's testimony.

14 Now, that may impact in some way your ability to
15 conduct your cross-examination at this time. I don't
16 mean to anticipate or make your applications for you,
17 but if you are going to make that application,
18 particularly under the circumstances that have been set
19 forth here, I would be more than willing to let Mr.
20 Signell finish his testimony, his direct testimony, if
21 that's what you want to do today, folks. And if on an
22 application, frankly, it would be up to you to tell me
23 whether you think you would like to start with Mr.
24 Signell or make an application to me to adjourn his

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1 cross-examination in its entirety until you have had a
2 chance to review all of his materials fully.

3 That's my inclination, but I haven't heard from
4 both sides as yet. Sometimes I have a bad habit of
5 assuming what people are going to ask for and what they
6 are going to say. So that's where my thoughts are right
7 now if I have understood the situation.

8 Miss Simon, do you wish to be heard further on
9 that?

10 MS. SIMON: Yes, please.

11 In the Plaintiff's October 17th, 2016, Amended
12 Second Supplemental Response to Defendants' Discovery
13 Demand.

14 THE COURT: All right.

15 MS. SIMON: On page five, in addition to the video
16 recordings that are listed there, there is number two,
17 page five, says audio recordings of field notes taken by
18 Stephen A. Signell on 2016 site visits to Class II
19 community connector trails.

20 Now, that's listed separately from the video
21 recordings. And it goes on later in that paragraph to
22 say privileged as material prepared for litigation and
23 containing mental impressions, conclusions, and opinions
24 of plaintiff's expert.

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1 If I may, your Honor, after that October
2 disclosure, I made a demand for those by letter to Mr.
3 Caffry. And that was in October 13th, and I
4 specifically requested the audio. And then I made a
5 similar demand in the letter to Justice O'Connor on
6 February 8th, for the audio, and an additional two
7 demands by email on February 10th and February 15th.

8
9 We got a package of video disclosures the day
10 before trial. And based on Mr. Signell's testimony, I
11 realized that we might -- he mentioned the audio. I
12 realized we may not have that privileged audio that Mr.
13 Caffry's disclosure said was privileged and I think we
14 still don't have it.

15 So I think we would -- I would request an
16 application to adjourn the cross. I don't know when we
17 will get those audios or where they are and how long
18 they are, but the description says that they are field
19 notes. So I do request an application to adjourn the
20 cross until we get a chance to hear those.

21 THE COURT: All right.

22 Miss Braymer?

23 MS. BRAYMER: Thank you.

24 I do want to put on the record that we did give the

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1 videos and they had the audios on them, in particular
2 the one that we used yesterday. The defendants did have
3 that with the audio on it.

4 And with respect to the privileged field notes,
5 they are mental impressions of our expert. We did not
6 disclose them and we repeated that and she did ask Judge
7 O'Connor for that. And we are not using those mental
8 impressions audio recordings here at court. We are
9 using his live testimony.

10 THE COURT: So what relief or non-relief, what
11 relief are you asking for? What relief are you
12 opposing?

13 MS. BRAYMER: I'm opposing her request for an
14 additional delay in the cross-examination, as she has
15 been able to listen to his live testimony and will be
16 able to review his file that he brought with him.

17 I'm not sure how long it's going to take to obtain
18 the audio field notes and have them available for her.

19 THE COURT: Okay. Counsel, why don't you approach
20 for a moment off the record if I have your consent.
21 Yes?

22 MS. SIMON: Absolutely.

23 THE COURT: Okay. Come on up.

24 (Discussion off the record.)

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1 THE COURT: All right. So, Miss Simon -- we are
2 back on the record.

3 Miss Simon, to the extent that I did not make it
4 clear the first time, and I don't think I did, your
5 application that the evidence, that is the tape, or what
6 I'm calling the tape, the recording, it be stricken, is
7 denied with leave to re-present if you receive some
8 further evidence that you think supports such an
9 application upon your review, as we have discussed, of
10 the other audio recordings of Mr. Signell as part of
11 your review of his expert file at the conclusion of his
12 testimony.

13 In addition, it's my understanding from our
14 discussions here at the bench that you have agreed to go
15 forward at this time with your cross-examination of Mr.
16 Signell, once his direct examination is complete. And I
17 have stated to you and to counsel off the record, and I
18 will state it again on the record, that upon your
19 conclusion, after your -- upon your conclusion of the
20 review of both the audio and video recordings, if there
21 is something in there that makes you feel that you need
22 to do further cross-examination of Mr. Signell with
23 reference to those issues, I will direct his
24 reappearance for such cross-examination at a later date

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1 in this trial.

2 Is that your understanding?

3 MS. SIMON: Yes, your Honor. Thank you.

4 THE COURT: Is that acceptable with the exception,
5 of course, of my denial of your motion to strike and the
6 videotaping?

7 MS. SIMON: Yes.

8 THE COURT: Miss Braymer, is that your
9 understanding as well?

10 MS. BRAYMER: Yes. Thank you.

11 THE COURT: That's acceptable as well?

12 MS. BRAYMER: Yes. Thank you.

13 THE COURT: Good enough.

14 Are we all set to continue?

15 MS. BRAYMER: I am. There is one other
16 housekeeping item.

17 With respect to Exhibit 123, which was a Unit
18 Management Plan regarding the foot trail that Mr.
19 Signell investigated and whether or not that was in the
20 forest preserve and defendants' counsel has stipulated
21 to this being admitted into evidence. So I would like
22 to move for its admission into evidence, 123.

23 THE COURT: Is that correct, Miss Simon?

24 MS. SIMON: Yes, it is.

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1 THE COURT: 123 is received into evidence.

2 (Plaintiff's Exhibit 123 received in
3 evidence.)

4 MS. BRAYMER: I'm ready with Mr. Signell.

5 THE COURT: Go right ahead.

6 Mr. Signell, you understand you are still under
7 oath, correct?

8 THE WITNESS: Yes.

9 THE COURT: Thank you.

10 Go ahead, Miss Braymer.

11 MS. BRAYMER: Thank you.

12 I'm going to bring him an exhibit.

13 **THEREUPON,**

14 **STEPHEN SIGNELL,**

15 **called as a witness, having been previously duly sworn, was examined**
16 **and testified as follows:**

17 **DIRECT EXAMINATION Continued**

18 BY MS. BRAYMER:

19 Q Good morning, Mr. Signell. Did you inspect the
20 Rock Dam Trail?

21 A I did not. Mr. Bauer took this photograph or he
22 inspected it.

23 Q Do you know what time -- what approximate time
24 frame he inspected that?

(Stephen Signell - Direct by Ms. Braymer)

1 A The fall of 2016.

2 Q Do you recognize Exhibit 51?

3 A Yes.

4 Q Can you tell me what it is?

5 A It is a photograph of a narrow trail through the
6 woods going between some boulders and a large tree.

7 Q And do you know who took that photo?

8 A Yes, Peter Bauer.

9 Q And which trail is that?

10 A This is the Rock Dam Trail.

11 THE COURT: Rock Dam?

12 THE WITNESS: Yes.

13 THE COURT: Thank you.

14 BY MS. BRAYMER:

15 Q Did Mr. Bauer provide that photo to you?

16 A Yes, through the Fulcrum app.

17 Q Do you know where on the trail he took that photo?

18 A I don't recall exactly where it was. The trail is
19 not very long, however.

20 MS. BRAYMER: Your Honor, I move Exhibit 51 into
21 evidence subject to connection with Mr. Bauer and his
22 authentication.

23 THE COURT: Miss Simon?

24 MS. SIMON: May I?

(Stephen Signell - Direct by Ms. Braymer)

1 THE COURT: Yes.

2 VOIR DIRE EXAMINATION

3 BY MS. SIMON:

4 Q Mr. Signell, is this one of the trails listed in
5 the Unit Management Plan for the Moose River Plains?

6 A I believe it is.

7 Q What trail is it?

8 A Rock Dam Trail.

9 Q Where on the Rock Dam Trail is this photo?

10 A I would have to go look at the latitude and
11 longitude and say exactly where it is on that trail.

12 MS. SIMON: I object to its admission. Lack of
13 foundation.

14 THE COURT: It's a well-founded objection. I'm
15 going to overrule it. I'm going to admit the photos,
16 because we have an expert on the stand in a non-jury
17 trial, subject to Mr. Bauer's authentication of the
18 photo.

19 If it is not properly authenticated, as with one of
20 our exhibits yesterday, number 54, it will be stricken,
21 and all the evidence from Mr. Signell related to such
22 photograph will be stricken as well.

23 So 51 is received into evidence subject to the
24 conditions I just stated.

(Stephen Signell - Direct by Ms. Braymer)

1 (Plaintiff's Exhibit 51 received in
2 evidence.)

3 BY MS. BRAYMER:

4 Q Mr. Signell, referring to Exhibit 29, on page 113,
5 are you able to identify the trail that we are discussing
6 right now?

7 A Yes. It would be H, the Rock Dam Trail.

8 Q Using the photograph that Mr. Bauer took, what does
9 that tell you about the status of the trail?

10 A It tells me that this trail was, this section of
11 the trail is not managed as a snowmobile trail.

12 MS. SIMON: Objection. Basis.

13 THE COURT: Your objection is sustained.

14 If he is going to testify from 29 H, what it tells
15 him, he should probably just read directly from it.

16 BY MS. BRAYMER:

17 Q Mr. Signell, can you read for the Court what
18 Exhibit 29 says about the Rock Dam Trail?

19 A Yes. This trail is seldom used. The trail will
20 continue to be maintained as a foot and bicycle trail.

21 Q Mr. Signell, still on Exhibit 51, in your
22 professional opinion, what does that photograph tell you
23 about the state of the trail, whether it be open or closed?

24 MS. SIMON: Objection. This hasn't been admitted

(Stephen Signell - Direct by Ms. Braymer)

1 into evidence.

2 THE COURT: I didn't hear the rest of your
3 objection.

4 MS. SIMON: Sorry. I thought we were moving on to
5 a new exhibit. I withdraw.

6 THE COURT: Okay. All right.

7 Let me hear that question again, please.

8 (Whereupon the Reporter read back the
9 last question.)

10 A It appeared to be open.

11 MS. SIMON: Objection. Basis.

12 THE COURT: I will sustain on that ground and also
13 because I'm not clear. You're confusing me with the
14 question, I think. They say in 29 H apparently that
15 it's open as a foot and bicycle trail. So I'm going to
16 ask you to be a little more specific with regard to your
17 questioning, to at least the relevant testimony.

18 So the objection was sustained. You can start over
19 again.

20 BY MS. BRAYMER:

21 Q Mr. Signell, according to the photograph in Exhibit
22 29, in your professional opinion, is this still open as a
23 foot trail?

24 MS. SIMON: Objection. Basis.

(Stephen Signell - Direct by Ms. Braymer)

1 THE COURT: I will allow it. You may answer it if
2 you can.

3 A It appears to be open. It's advertised on the --
4 the DEC advertises it as a foot trail.

5 MS. SIMON: Objection. Basis.

6 THE COURT: He's answering from 29 H was my
7 understanding.

8 A Yeah. There is signs at the trailhead. It's
9 written here in the Unit Management Plan.

10 BY MS. BRAYMER:

11 Q Thank you, Mr. Signell.

12 Moving on to Exhibits 41 and 42. Did you
13 inspect the Indian Lake Trail?

14 A I inspected part of it.

15 Q Do you recognize what's in Exhibits 41 and 42?

16 A These were taken by Mr. Bauer.

17 Q Do you know which trail they were?

18 A This is the Indian Lake Road I believe.

19 Q Which one? Which exhibit or both?

20 A Both.

21 Q And which part of Indian Lake Road did you examine?

22 A Just the very beginning of it. I didn't go very
23 far. I just looked at it.

24 Q And referring to Exhibit 29, do you see the trail

(Stephen Signell - Direct by Ms. Braymer)

1 or road that we are talking about now on that list?

2 A Yes, letter O. Indian Lake Road.

3 Q You testified that Mr. Bauer took these photos.

4 Did he provide them to you through the Fulcrum app?

5 A Yes, he did.

6 Q Would you be able to identify the location of these
7 photos using GPS?

8 A Yes.

9 MS. BRAYMER: Your Honor, I move Exhibits 41 and 42
10 into evidence subject to connection with Mr. Bauer's
11 testimony.

12 MS. SIMON: I maintain the same objection.

13 THE COURT: I will make the same ruling. Your
14 exception is noted. They are received into evidence
15 subject to authentication by Mr. Bauer. If they are not
16 authenticated, both the evidence and any testimony
17 regarding such evidence from Mr. Signell will be
18 stricken from the record.

19 Go ahead.

20 (Plaintiff's Exhibits 41 and 42 received
21 in evidence.)

22 BY MS. BRAYMER:

23 Q Mr. Signell, on Exhibits 41 and 42, in your
24 professional opinion, do these photos show you anything about

(Stephen Signell - Direct by Ms. Braymer)

1 the state of the trail?

2 A Yes. It's a very wide, very wide trail. It looks
3 to be a former road.

4 MS. SIMON: Objection to the characterization. He
5 just read that it's a road from page 113 of Exhibit 29.

6 THE COURT: Overruled.

7 Q Mr. Signell, going to Exhibit 29, could you read
8 from page 113, letter O?

9 A Yes. This road is in an area proposed to be
10 managed with very limited motorized use. This road will be
11 maintained as a foot trail.

12 Q Mr. Signell, did you inspect the Sly Pond Trail?

13 A Yes.

14 Q Were you calling it a different name at any point?
15 Did you call it something else?

16 A I don't believe so.

17 Q Sly Pond Trail. Do you recognize what's in Exhibit
18 52?

19 A Yes. This is a photograph I took about a quarter
20 of a mile down the trail.

21 Q When did you take that photo?

22 A Fall of 2016.

23 Q Does this photo fairly and accurately represent the
24 scene at the time that you took the photo?

(Stephen Signell - Direct by Ms. Braymer)

1 A Yes.

2 MS. BRAYMER: Your Honor, I move Exhibit 52 into
3 evidence.

4 MS. SIMON: May I?

5 THE COURT: Yes.

6 VOIR DIRE EXAMINATION

7 BY MS. SIMON:

8 Q Mr. Signell, Exhibit 29 at page 113, can you
9 identify if that trail is on this list?

10 A Yes.

11 Q What letter is it?

12 A L.

13 MS. SIMON: The answer I didn't hear.

14 THE COURT: He said L.

15 MS. SIMON: L?

16 THE COURT: Yes.

17 MS. SIMON: Can we have a moment?

18 There are two Sly Pond Trails. I want to make
19 sure.

20 THE COURT: If you want to ask further questions,
21 go ahead.

22 BY MS. SIMON:

23 Q This is not the same trail you testified to
24 yesterday, the Sly Pond Loop Trail?

(Stephen Signell - Direct by Ms. Braymer)

1 A That is correct.

2 MS. SIMON: No further questions.

3 THE COURT: Any objection?

4 MS. SIMON: No.

5 THE COURT: Fifty-two is received into evidence.

6 (Plaintiff's Exhibit 52 received in
7 evidence.)

8 BY MS. BRAYMER:

9 Q Mr. Signell, based on your observations, what did
10 you observe about the state of that trail, Sly Pond Trail?

11 A It was a trail roughly eight to ten feet wide.

12 Q In your opinion, was that large enough for a
13 vehicle to pass?

14 A Yes.

15 Q Referring to Exhibit 29, letter L, can you read
16 what it states there?

17 A This trail is within an area proposed to be
18 reclassified to wilderness. This trail will be maintained as
19 a foot trail.

20 Q In your observation, this was still -- this was
21 open as a foot trail?

22 A It was advertised. It had a sign. Yeah, it is
23 open.

24 Q In your professional opinion, can this purportedly

(Stephen Signell - Direct by Ms. Braymer)

1 closed trail revegetate with trees in the foreseeable future?

2 A It depends on how it's maintained. Not all of it.

3 THE COURT: I didn't hear that.

4 THE WITNESS: Not all of it.

5 BY MS. BRAYMER:

6 Q What part would be?

7 THE COURT: Hang on. I still didn't hear. Not all
8 of them?

9 THE WITNESS: Not all of it would be populated with
10 trees.

11 THE COURT: All right. Go on.

12 A If it's maintained as a foot trail, it really
13 depends on how wide it's maintained.

14 BY MS. BRAYMER:

15 Q Mr. Signell, looking at Exhibit 29 on page 113,
16 there is another Sly Pond mentioned there. Can you look at
17 letter P?

18 A Yes.

19 Q Did you visit that?

20 A I did.

21 Q Can you tell us what you observed about the state
22 of that?

23 MS. SIMON: Objection. I think we already had
24 testimony on this one.

(Stephen Signell - Direct by Ms. Braymer)

1 THE COURT: Hang on. I have got a Sly Pond
2 connector from Exhibit 53 in evidence that we took
3 testimony on.

4 MS. SIMON: Correct.

5 THE COURT: Does that sound --

6 MS. BRAYMER: I have testimony from Sly Pond Loop
7 Trail, which is M. And we just talked about Sly Pond
8 Trail, which is L. I do not believe I --

9 THE COURT: I'm asking. I'm not ruling. I'm
10 asking.

11 MS. BRAYMER: I don't believe we discussed Sly Pond
12 Road, letter P.

13 THE COURT: I don't have any notes that we did, so
14 the objection is overruled.

15 Go ahead.

16 Do you want to hear the question again?

17 BY MS. BRAYMER:

18 Q What did you observe about Sly Pond Road?

19 A Sly Pond Road is open to vehicle traffic. You can
20 drive essentially down to the picture that I took of the Sly
21 Pond Loop Trail.

22 Q And when you visited, that was the fall of 2016.
23 Was that the fall of 2016?

24 A Yes, it was.

(Stephen Signell - Direct by Ms. Braymer)

1 MS. SIMON: Objection. Basis for it was open to
2 motor vehicle traffic.

3 THE COURT: Sustained.

4 BY MS. BRAYMER:

5 Q Mr. Signell, how wide was Sly Pond Road?

6 A It's about 10 to 12 feet wide. I drove my car down
7 it.

8 Q Did you see any other cars?

9 A There were people camping. It's also an access to
10 a couple of campsites and there were people camping there,
11 yes.

12 Q Did you go through or around any barriers that were
13 blocking the road?

14 A No.

15 Q Can you read from Exhibit 29, page 113, letter P,
16 what that states?

17 A The road dead-ends at the river and will be closed
18 to all motor vehicle use. This trail will be maintained as a
19 foot and bicycle trail.

20 Q Did you inspect the Limekiln Lake Cutoff?

21 A No, I did not. This is a photo taken by Mr. Bauer.
22 I inspected his photos.

23 Q And just for the record, this is exhibit that's
24 been marked number 32?

(Stephen Signell - Direct by Ms. Braymer)

1 A Yes.

2 Q Mr. Bauer provided that to you through the Fulcrum
3 app; is that correct?

4 A That is correct.

5 Q Do you know when he visited?

6 A The fall of 2016.

7 Q Do you know where that photo was taken, generally?

8 A It was taken somewhere near the first part of that
9 trail. I'm not sure of the exact latitude and longitude.

10 Q But you would be able to find the GPS coordinates
11 using the Fulcrum app?

12 A Anyone would be able to find it using the GPS
13 coordinates.

14 Q Referring to Exhibit 29, do you see the trail that
15 we are talking about now on the list?

16 A Yes, letter I, I believe.

17 Q Limekiln Loop, 2.16 miles?

18 A Yes.

19 MS. BRAYMER: Your Honor, I move Exhibit 32 into
20 evidence subject to connection by Mr. Bauer.

21 MS. SIMON: Same objection as to foundation.

22 THE COURT: Thirty-two is received into evidence
23 over objection, with your exception, subject to
24 connection by authentication by Mr. Bauer, and as

(Stephen Signell - Direct by Ms. Braymer)

1 stated, if that is not properly connected and
2 authenticated, then it will be stricken, as will any
3 testimony regarding 32. Thirty-two is received.

4 (Plaintiff's Exhibit 32 received in
5 evidence.)

6 BY MS. BRAYMER:

7 Q Mr. Signell, what does Exhibit 32 tell you about
8 the state of the trail?

9 A This looks to be a wide trail, roughly eight to
10 ten feet wide. It has a lot of grass showing in the picture
11 and a bridge that would sustain snowmobiling.

12 MS. SIMON: Objection to the answer sustain
13 snowmobiling.

14 THE COURT: Overruled.

15 Q Mr. Signell, in your professional opinion, would
16 this purportedly closed trail revegetate with trees in the
17 foreseeable future?

18 A It depends on how wide it is maintained. So if
19 they -- on some of these trails I saw trees being cut. When
20 a tree falls down over the trail, you can tell by how wide
21 it's cut how wide they're -- some of the trees that have
22 fallen over some of these trails, I did not visit this one in
23 particular, but they are cut to a width of five to six feet.

24 So, assuming, you know, if that's how wide the

(Stephen Signell - Direct by Ms. Braymer)

1 trail is maintained, there will be no vegetation within that
2 corridor.

3 If they are cutting, if they are only leaving
4 two feet, then it will be revegetated to two feet.

5 So there is no way of knowing exactly how it
6 will revegetate without knowing how it's managed into the
7 future.

8 Q Mr. Signell, assuming that it were only managed and
9 maintained to a two-foot width outside of that area, how long
10 would it take, in your professional opinion, for that area to
11 revegetate?

12 A Back to its natural status, decades, a century.
13 This picture depicts a trail that has been overtaken by
14 grass. So revegetation in a place like that is much more
15 difficult with native forest vegetation due to the existing
16 coverage of grass.

17 Q Mr. Signell, did you visit the Beaver Lake Trail?

18 A I'm trying to remember where on the map this is.

19 Q Do you have something that could refresh your
20 recollection or I could provide you a Court Exhibit map?

21 A The map would be helpful. Oh, now I remember.
22 Yes, I did.

23 Q I will give you that map anyway.

24 A Okay. Thank you.

(Stephen Signell - Direct by Ms. Braymer)

1 Q I have handed you what's already been marked as
2 Exhibits 72, 73 and 79, also 71. Do you have 71 there?

3 A Yes.

4 Q I'm going to ask you again, Mr. Signell, did you
5 inspect the Beaver Lake Trail?

6 A Yes.

7 Q Do you recognize what's in Exhibit 39 that I have
8 handed to you -- 35?

9 A Yes. This is a picture of the Beaver Lake Trail
10 that I took in the fall of 2016.

11 Q Where on the trail did you take that photograph?

12 A This is, again, about a quarter mile down the trail
13 from the trailhead.

14 Q Referring to Exhibit 29, do you see the trail
15 listed there, the one that we are talking about now, the
16 Beaver Lake Trail?

17 A I do. It's letter N.

18 Q Does Exhibit 35 fairly and accurately represent the
19 scene at the time that you took the photo?

20 A It does.

21 MS. BRAYMER: Your Honor, I move Exhibit 35 into
22 evidence.

23 MS. SIMON: No objection.

24 THE COURT: Thirty-five is received.

(Stephen Signell - Direct by Ms. Braymer)

1 (Plaintiff's Exhibit 35 received in
2 evidence.)

3 BY MS. BRAYMER:

4 Q What did you observe about the Beaver Lake Trail?

5 A There, again, was a wide, very wide trail, ten feet
6 roughly in width.

7 This trail had a lot of grass on it. You
8 can't see it in this picture because of the leaves. And also
9 this one is notable in that there is a lot of small saplings,
10 small trees on either side and not growing -- none growing in
11 the width of the trail.

12 Q Mr. Signell, would your analysis relating to the
13 last trail about the ability of the trail to revegetate,
14 would that be the same for this trail?

15 A Yes.

16 Q From Exhibit 29 could you read what it states there
17 for Beaver Lake Trail that you identified as letter N?

18 A This trail is within an area proposed to be managed
19 with very limited motorized uses. This trail will be
20 maintained as a foot trail.

21 Q Mr. Signell, did you inspect the Otter Brook Trail?

22 A Yes.

23 Q Do you recognize what's in Exhibit 50?

24 A Yes, I do. This is a photograph I took in the fall

(Stephen Signell - Direct by Ms. Braymer)

1 of 2016, about half a mile down the trail. Actually, no.
2 This one was maybe an eighth of a mile down the trail from
3 the trailhead.

4 Q Referring to Exhibit 29, do you see that trail that
5 we are learning about now listed?

6 A Yes, it's letter G.

7 Q Does Exhibit 50 fairly and accurately represent the
8 scene at the time that you took the photo?

9 A Yes.

10 MS. BRAYMER: Your Honor, I move Exhibit 50 into
11 evidence.

12 MS. SIMON: No objection.

13 THE COURT: Fifty is received.

14 (Plaintiff's Exhibit 50 received in
15 evidence.)

16 BY MS. BRAYMER:

17 Q Mr. Signell, what did you observe about the Otter
18 Brook Truck Trail?

19 A This trail, this is a very, very large, wide
20 corridor.

21 Q Can you give us an approximate?

22 A Fifteen to twenty feet. It appeared to have been
23 constructed under great -- with great effort. There were
24 areas to the sides sometimes where they had moved dirt.

(Stephen Signell - Direct by Ms. Braymer)

1 MS. SIMON: Objection. Basis.

2 THE COURT: Overruled.

3 You may continue.

4 A This trail essentially goes along a hillside for
5 the entire distance I traveled it. And judging by the maps,
6 it continues along the same hillside for much of the trail.
7 And in order to build a road along a hillside like that, a
8 lot of material has to be moved, and I saw evidence of it all
9 along it.

10 And this one is particularly interesting
11 because this illustrates what could happen when a road is
12 abandoned. And what you are seeing here in this photograph
13 is a massive washout of erosion right down the center of this
14 road, and then it comes off the road and down the hillside.
15 And this is the type of thing that causes irreparable,
16 permanent damage to the forest ecosystem. Particularly, if
17 this is not maintained as a road, this kind of washout will
18 expand, changing the entire geology of the area, the drainage
19 pattern, the hydrology, you know, it's just an example of
20 what happens when -- what can happen when a road is
21 abandoned. It doesn't necessarily go back to its natural
22 state.

23 Q So, in your professional opinion, would this trail,
24 the purportedly closed trail, be able to revegetate in the

(Stephen Signell - Direct by Ms. Braymer)

1 foreseeable future?

2 A It would be the same answer as before, but the
3 shape of the land will never go back to what it was before,
4 because this trail, this road was -- the construction of it
5 changed the entire shape of the hillside. So that's never
6 going to go back.

7 Q Referring to Exhibit 29, could you read what letter
8 G states there?

9 A This trail is within an area proposed to be
10 reclassified to wilderness. This old road will continue to
11 be maintained as a foot trail.

12 Q Mr. Signell, did you inspect the Beaver Lake Road?

13 A Yes, I did.

14 Q Do you recognize what's depicted in Exhibit 34?

15 A Yes. This is the Beaver Lake Road. I took this
16 photograph in the fall of 2016 and the location was a couple
17 hundred feet from the trailhead where the trail starts and
18 the road ends.

19 Q Do you see the trail road that we are talking about
20 right now listed on Exhibit 29?

21 MS. SIMON: I'm sorry. I didn't hear the question,
22 your Honor.

23 MS. BRAYMER: I can repeat.

24 THE COURT: Thanks.

(Stephen Signell - Direct by Ms. Braymer)

1 BY MS. BRAYMER:

2 Q On Exhibit 29, is that road listed?

3 A Yes, it's letter Q.

4 Q Mr. Signell, the perspective that we are looking at
5 in this photo, is that towards the trail or towards the road?

6 A Towards the trail.

7 MS. BRAYMER: Your Honor, I move Exhibit 34 into
8 evidence.

9 MS. SIMON: Your Honor, I object based on the
10 disclosure in Exhibit 29 at page 113. I ask for a
11 proffer why it's relevant if it's open for motor vehicle
12 use. What is the relevancy in this case?

13 THE COURT: Miss Braymer.

14 MS. BRAYMER: This is one of the items listed under
15 their purportedly closed trails. So we are making the
16 point that it's open.

17 THE COURT: It says -- if 29 Q says right on it
18 that it's open for motor vehicle use, I fail to see the
19 relevance, since we are all on the same page that it's
20 not a trail that has been closed for motor vehicle use,
21 but tell me. Go ahead.

22 MS. BRAYMER: Under DEC's administrative rules, not
23 every road open to motor vehicles is open to
24 snowmobiles.

(Stephen Signell - Direct by Ms. Braymer)

1 So they are saying they have closed it to
2 snowmobiles, yet it remains open as a road --

3 THE COURT: Understood.

4 MS. BRAYMER: -- to motor vehicle use.

5 THE COURT: The objection is overruled.

6 Any other objections to the photograph?

7 MS. SIMON: Yes. There is no showing here that
8 this road -- they have to make the link to show that
9 this is relevant to trails that are closed. This is
10 not -- this is a road and it's not closed to motor
11 vehicles. So what does this have to do with the Class
12 II trails?

13 THE COURT: I have already overruled that
14 objection.

15 MS. SIMON: Okay.

16 THE COURT: Do you have any objection?

17 MS. SIMON: No. Thank you.

18 THE COURT: Okay. Exhibit 34 is received into
19 evidence.

20 (Plaintiff's Exhibit 34 received in
21 evidence.)

22 BY MS. BRAYMER:

23 Q What did you observe about the Beaver Lake Road?

24 A The Beaver Lake Road is a wide, 12 feet or more

(Stephen Signell - Direct by Ms. Braymer)

1 gravel road, that provides motor vehicle access to the
2 trailhead. And I guess I would like to say that DEC has
3 included this on a trail closure list.

4 THE COURT: It sounds like you are getting a little
5 beyond the question.

6 THE WITNESS: All right.

7 THE COURT: I think I understand the point already
8 though.

9 Go ahead. Ask your next question.

10 BY MS. BRAYMER:

11 Q Can this purportedly closed trail, in your opinion,
12 revegetate with trees in the foreseeable future?

13 MS. SIMON: Objection. Leading question. It's not
14 closed.

15 THE COURT: Overruled. You may answer.

16 A As long as this is maintained as a road, it will
17 not revegetate.

18 Q Can you please refer to Exhibit 29 on page 113 and
19 read for the Court the first sentence under the heading trail
20 closures?

21 A The following trails and roads within the MRPWF are
22 proposed to be closed for snowmobiling.

23 Q Then could you please read what it states for
24 letter Q?

(Stephen Signell - Direct by Ms. Braymer)

1 A This is a dead-end road. The road will remain open
2 for motor vehicle use.

3 Q Did you inspect Bear Pond?

4 A I did.

5 Q Do you recognize Exhibit 33?

6 A Yes.

7 Q Is that a photo that you took?

8 A Actually, I think Mr. Bauer took this photograph.
9 We were together on this trail and I think that he took this
10 photograph.

11 Q Did you personally inspect Bear Pond?

12 A I did, the Bear Pond Trail, yes.

13 Q Thank you. Can you identify on Exhibit 29?

14 A Yes, letter B.

15 Q What did you observe about the Bear Pond Trail?

16 A This trail was four to six feet wide. It appeared
17 to have been -- there were places on there where trees had
18 fallen and cut to a width of about five or six feet. This
19 had more of a character of a foot trail than some of the
20 other ones. It looked like it had been wider at one point,
21 but it was about four to six feet wide.

22 Q Referring to Exhibit 29, can you read for the Court
23 what it states there at letter B?

24 A Yeah. This is a dead-end trail and doesn't provide

(Stephen Signell - Direct by Ms. Braymer)

1 access to any significant destination. A portion of the
2 trail may be maintained for foot and bike use if a new trail
3 is constructed connecting the LLCRR to the Bear Pond Road.

4 Q On the trails that had been purportedly closed to
5 snowmobile use for many years, did you observe grassy areas?

6 MS. SIMON: Objection.

7 THE COURT: Sustained.

8 Q In your professional opinion, based on your
9 evaluation of the trails that we have just talked about,
10 referring to Exhibit 29, does the administrative closure of
11 these trails and/or roads to snowmobile use, reduce the
12 negative impacts of the construction of Class II community
13 connector snowmobile trails?

14 A There was only one or two trails on this list that
15 I would consider as being actually helping defragment the
16 landscape.

17 Q So is it fair to say the remainder did not?

18 A That is correct.

19 THE COURT: Counsel, I don't think 33 was offered
20 into evidence.

21 MS. BRAYMER: I know. Thank you.

22 THE COURT: Okay. Go ahead.

23 BY MS. BRAYMER:

24 Q I have handed you what's already in evidence as

(Stephen Signell - Direct by Ms. Braymer)

1 Exhibits 30 and 31. Could you read the title of Exhibit 30,
2 please?

3 A Moose River Plains Wild Forest Area, 1972
4 Designated Snowmobile Trails.

5 Q Can you read the title of Exhibit 31?

6 A Moose River Plains Wild Forest Area Proposed
7 Snowmobile Trail Network.

8 Q Reviewing Exhibit 31, does that show all of the
9 trails or roads that are open to other uses?

10 MS. SIMON: Objection. Basis.

11 THE COURT: Sustained.

12 Q Mr. Signell, referring to Exhibit 29 and the trails
13 that we just discussed in the last day or so, are any of
14 those in the Moose River Plains Wild Forest?

15 A Yes. All of them are.

16 Q Are all of those that we just talked about listed
17 on Exhibit 31?

18 A No. Are all of the snowmobile trails we talked
19 about listed on 31?

20 Q Are all of the purportedly closed trails listed in
21 Exhibit 29 shown on Exhibit 31? For instance, the Bear Pond
22 Trail.

23 A No, it is not shown.

24 Q In your professional opinion, even though those

(Stephen Signell - Direct by Ms. Braymer)

1 trails aren't listed or shown on Exhibit 31, they are still
2 having an impact on the Moose River Plains Wild Forest area?

3 MS. SIMON: Objection.

4 THE COURT: Sustained.

5 BY MS. BRAYMER:

6 Q Mr. Signell, does Exhibit 31 accurately represent
7 the total number of open trails or roads in the Moose River
8 Plains area?

9 MS. SIMON: Objection. Not in evidence.

10 THE COURT: Thirty-one is not in evidence?

11 MS. SIMON: No. I'm sorry. Thirty-one is in
12 evidence. My objection is to the does it represent all
13 snowmobile trails in that unit.

14 THE COURT: Sustained.

15 MS. BRAYMER: Your Honor, I didn't ask about
16 snowmobile trails.

17 THE COURT: But what you asked him -- I know it
18 wasn't. She was paraphrasing what you said, but what
19 you asked him, it was of a nature of a general opinion
20 question, which I'm not going to allow you to ask him,
21 unless you give more of a basis for the basis for his
22 opinion.

23 It's a very general question. Normally with an
24 expert I would allow you to ask the opinion question

(Stephen Signell - Direct by Ms. Braymer)

1 first and then fill in the basis, but that one was so
2 general I'm going to make you give the basis before I
3 allow you to elicit the opinion. Okay?

4 MS. BRAYMER: May I have a moment to confer with
5 counsel?

6 THE COURT: Of course.

7 MS. BRAYMER: Thank you.

8 (Pause.)

9 MS. BRAYMER: Your Honor, I'm finished with my
10 direct testimony.

11 THE COURT: Say that again. I'm sorry.

12 MS. BRAYMER: I'm finished with my direct
13 testimony.

14 THE COURT: All right. Why don't we take our
15 morning break.

16 Mr. Signell, to the extent that you have a file
17 with you today, I ask that you provide it immediately to
18 counsel if they haven't seen it already.

19 We will take 15 minutes, folks.

20 (Whereupon a recess was taken from
21 10:38 a.m. to 10:58 a.m.)

22 THE COURT: All set, Miss Simon?

23 MS. SIMON: Yes, your Honor.

24 THE COURT: Mr. Signell.

(Stephen Signell - Cross by Ms. Simon)

1 Q Thank you.

2 Mr. Signell, isn't it true that part of your
3 work with SUNY ESF, you worked with defendant DEC to map the
4 Seventh Lake Mountain Snowmobile Trail?

5 A I can't answer that. Well, okay. You didn't ask
6 for a yes or no question.

7 Q Would you please answer it as yes or no?

8 A I can't answer that yes or no.

9 Q Mr. Signell, yes or no. Did you assist DEC in
10 mapping the Seventh Lake Mountain Snowmobile Trail?

11 A I can't answer that question the way it's stated.

12 Q Mr. Signell, I'm showing you what has been marked
13 Defendant's Exhibit D, the Moose River Plains Wild Forest
14 Unit Management Plan. Could you open the plan to Page I?

15 A I?

16 Q I. Letter I.

17 A Yes.

18 Q Could you look in the column that says
19 contributors? And this is a yes/no question. Does your name
20 appear on that list?

21 A Yes.

22 Q Are there any other SUNY ESF contributors on that
23 list?

24 A I don't see any, no.

(Stephen Signell - Cross by Ms. Simon)

1 Q Okay. Could you turn to page 121?

2 A Yes.

3 Q Mr. Signell, did you participate in making this?

4 A Yes.

5 Q Could you look at the bottom of the map on the left
6 in the corner where it says, map produced by SUNY ESF
7 Ecological Center?

8 Did you work on this map during the period of
9 time you worked for SUNY ESF?

10 A Yes.

11 MS. BRAYMER: Objection.

12 THE COURT: What's the objection?

13 MS. BRAYMER: In the question she referred to him
14 working at ESF and he has not testified to that.

15 THE COURT: Overruled.

16 Please continue.

17 BY MS. SIMON:

18 Q Mr. Signell, isn't it true that this map, on page
19 121 of the Moose River Plains Unit Management Plan, depicts a
20 segment of the proposed route for the Seventh Lake Mountain
21 Trail? Yes or no.

22 A Yes.

23 Q Could you turn to page 125, please? Mr. Signell,
24 did you make this map?

(Stephen Signell - Cross by Ms. Simon)

1 A I believe so, yes.

2 Q Mr. Signell, in the lower left corner of this map,
3 where it says produced by SUNY ESF, it has a date of
4 10/06/08, is that the time period you worked for SUNY ESF?

5 A Yes.

6 MS. BRAYMER: Objection.

7 THE COURT: Overruled.

8 Q Mr. Signell, the map on page 125 has a proposed
9 trail route for a segment of the Seventh Lake Mountain Trail,
10 doesn't it?

11 A It does have it, yes.

12 Q And the trail route on this map goes through the
13 same portion of the Seventh Lake Mountain Trail that you are
14 now claiming is Old Growth Forest, doesn't it? Yes or no.

15 A Yes.

16 Q I will take that Exhibit back from you.

17 Mr. Signell, you testified this morning two
18 trails helped defragment the forest and you were referencing
19 Exhibit 29, UMP, page 113. What two trails are those? This
20 is not a yes or no question.

21 A I believe I said one or two trails. The main
22 section that I would say is going back to forest that I could
23 reasonably consider as reducing fragmentation, was a section
24 of what I believe they call the -- I can't remember the name

(Stephen Signell - Cross by Ms. Simon)

1 of it. It's Mohegan Lake Loop maybe. There was maybe a
2 two-mile section of that that appeared to not be maintained.

3 Q And that's it?

4 A That's the only section of trail that I saw that
5 was not being -- that had evidence of ingrowth.

6 Q Okay. Thank you.

7 Mr. Signell, isn't it true that you
8 participated in on-the-ground work with defendants to find
9 possible routes for a snowmobile trail in sections of the
10 Newcomb to Minerva to North Hudson Trail?

11 A Yes.

12 Q Did you walk any portions of the Newcomb to Minerva
13 to North Hudson Trail with employees of the defendants to
14 help determine the snowmobile trail route?

15 A There is two different trails there. There is the
16 Newcomb to North Hudson and the Newcomb to Minerva Trail.

17 Q Okay. Let's move on.

18 I'm going to show you what is marked as
19 Defendant's Exhibit BE, the 2015 Community Connector Trail
20 Plan.

21 Mr. Signell, could you turn to page 75, which
22 begins a section called Appendix five, maps and photos, and
23 turn to the third map titled Community Connector Trail Plan
24 UMP Trail Overview.

(Stephen Signell - Cross by Ms. Simon)

1 A I'm sorry, where is it?

2 Q Page 75 begins what is titled Appendix five, maps
3 and photos. And if you go to the third map titled Community
4 Connector Trail Plan, UMP Trail Overview --

5 A Oh yes.

6 Q -- you will see on that map, do you not, outlined
7 in yellow, section one, two, three, four?

8 A Yes.

9 Q Did you walk any of the lands of section one
10 depicted in this map with employees of defendants to scout or
11 site possible snowmobile routes?

12 A No, I did not.

13 Q Did you walk any of the lands of section two
14 depicted on this map with employees of defendants to scout or
15 site possible routes?

16 A No.

17 Q Did you walk any of the lands of section three
18 depicted on this map with employees --

19 MS. BRAYMER: Objection -- I'm sorry.

20 THE COURT: Finish your question, Miss Simon.

21 BY MS. SIMON:

22 Q I will start again.

23 Did you walk any of the lands of section three
24 depicted on this map with employees of defendants to scout or

(Stephen Signell - Cross by Ms. Simon)

1 site possible snowmobile routes?

2 THE COURT: Do you have an objection?

3 MS. BRAYMER: Yes. Thank you.

4 Section three is outside the scope of direct.

5 THE COURT: Overruled.

6 You may continue.

7 Excuse me. You may answer the question.

8 A Yes.

9 BY MS. SIMON:

10 Q And did you walk any of the lands of section four
11 depicted in this map with employees of defendants to scout or
12 site possible snowmobile routes?

13 A Yes, I did.

14 Q Mr. Signell, isn't it true that you testified at
15 this trial that, quote, I was involved with the very early
16 stages of possible siting some trails when I worked at the
17 Ecological Center?

18 A Yes.

19 Q Isn't it also true that you collected data to be
20 used to map the routes for a portion of the Newcomb to
21 Minerva to North Hudson Trail?

22 A Well, again, those are two different things.

23 Q I'm sorry, yes or no question -- answer, please.

24 A Yes.

(Stephen Signell - Cross by Ms. Simon)

1 THE COURT: Hang on. Hang on.

2 MS. SIMON: Sorry.

3 THE COURT: I'm sorry, Miss Simon. I don't allow
4 that with a yes or no question.

5 So you are not restricted to a yes or no answer to
6 that question, Mr. Signell.

7 If you would like to hear it again.

8 A I was not -- yes, I was involved in collecting data
9 for sections three and four.

10 BY MS. SIMON:

11 Q Thank you.

12 Mr. Signell, isn't it true that there is a
13 full-plot survey method accepted in the academic community to
14 document old growth?

15 A No.

16 Q Did you conduct a survey anywhere on the Seventh
17 Lake Mountain Trail pursuant to any academic standard for
18 determining old growth?

19 A No.

20 Q Did you do the same on any portion of the Newcomb
21 to Minerva Trail?

22 A No.

23 Q Mr. Signell, you testified that it is accepted
24 practice for professionals such as yourself to rely on

(Stephen Signell - Cross by Ms. Simon)

1 assistance to collect data, correct?

2 A Yes.

3 Q And you testified that academic research
4 professionals involve graduate students or they hire field
5 assistants to collect this data, correct?

6 A Yes.

7 Q Mr. Signell, you didn't engage any graduate
8 students to do your field work in this case, did you?

9 A No.

10 Q And you didn't hire a field assistant to do your
11 field work in this case, did you?

12 A No.

13 Q So instead of using a graduate student or hiring a
14 field assistant, you relied on Mr. Bauer, Plaintiff's
15 executive director in this lawsuit, to collect the data for
16 your research, correct?

17 A That is correct. But having a grad student or
18 hiring a field assistant is not -- those aren't the only two
19 ways you can have assistance in field work. You don't have
20 to pay anyone actually.

21 Q Mr. Signell, out of the more than 6,000 stops
22 allegedly photographed by Mr. Bauer on the Seventh Lake
23 Mountain Trail, isn't it true, yes or no, that you only
24 checked 30?

(Stephen Signell - Cross by Ms. Simon)

1 A I can't really answer that question the way it is
2 stated.

3 Q Mr. Signell, do you recall submitting an Affidavit
4 in this case dated August 25th, 2016?

5 A Yes.

6 MS. SIMON: May I read a portion and then ask him a
7 question from that Affidavit, your Honor?

8 THE COURT: Why don't we see whether Miss Braymer
9 objects to something that you do, and if she does, I
10 will rule on the objection.

11 BY MS. SIMON:

12 Q At paragraph 66, Mr. Signell, on the August 25th,
13 2016, Affidavit, it reads, in August 2016 I hiked the entire
14 length of 11.69 mile trail section and performed the
15 ecological assessment according to protocol 3.

16 Prior to going out in the field I loaded a
17 subsample of 30 of Mr. Bauer's stump photographs into my
18 phone in order to verify their existence. I successfully
19 located all 30 stumps during my hike.

20 And the next paragraph says, altogether there
21 were 6,480 stumps recorded along this stretch of trail.

22 Does that refresh your recollection?

23 MS. BRAYMER: Excuse me. Could I please have that
24 paragraph in that Affidavit?

(Stephen Signell - Cross by Ms. Simon)

1 MS. SIMON: Paragraph 66 and the beginning of 67.

2 Do you want me to repeat the question?

3 MS. BRAYMER: Objection. Asked and answered.

4 THE COURT: Overruled.

5 THE WITNESS: The question back again, please.

6 (Whereupon the Reporter read back the
7 question.)

8 A Well, no, because I am familiar with that, so I
9 didn't have to have my memory refreshed.

10 BY MS. SIMON:

11 Q So, and I ask you then, yes or no, isn't it true
12 that out of more than 6,000 stumps allegedly photographed by
13 Mr. Bauer on the Seventh Lake Mountain Trail, isn't it true
14 that you only checked 30?

15 MS. BRAYMER: Objection. Asked and answered.

16 THE COURT: Overruled. I will allow it.

17 A No.

18 Q Mr. Signell, yes or no. Isn't it also true that
19 you did not check on the ground any of the stumps Mr. Bauer
20 counted on the Gilmantown Trail?

21 A That is true, yes.

22 MS. SIMON: No further questions at this time,
23 unless I listen to the audio and decide to ask more.

24 THE COURT: All right. Any redirect based upon the

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1 cross-examination of Miss Simon?

2 MS. BRAYMER: Yes.

3 MR. CAFFRY: Could we have a moment, your Honor?

4 THE COURT: Yes.

5 MS. BRAYMER: Thank you.

6 (Pause.)

7 MS. BRAYMER: Thank you, your Honor, for that time.

8 THE COURT: Go ahead.

9 **REDIRECT EXAMINATION**

10 BY MS. BRAYMER:

11 Q Did you work for ESF as a paid employee by ESF?

12 A I worked at the SUNY ESF Ecological Center, but I
13 actually worked for the Research Foundation of New York. I
14 was located in the Ecological Center.

15 Q Is the Research Foundation a state agency or a
16 private not for profit?

17 MS. SIMON: Objection. Relevance.

18 THE COURT: What's the relevance?

19 MS. BRAYMER: She is questioning his employer and I
20 would like to clarify exactly who his employer was.

21 THE COURT: I will allow it. Go ahead.

22 A Yes, it's a nonprofit.

23 Q Did you have a contract with the Research
24 Foundation or any agreement?

(Stephen Signell - Redirect by Ms. Braymer)

1 A I don't recall the exact paperwork exchanged
2 regarding my employment. Whatever they required is what I
3 did.

4 Q Do you recall signing a confidentiality agreement?

5 A No.

6 Q Referring to the Moose River Plains Wild Forest
7 UMP, which is Exhibit D, are all of the people on the list of
8 contributors state employees?

9 MS. SIMON: Objection. Relevance.

10 THE COURT: Overruled.

11 If you know.

12 A No, they were not all state employees.

13 Q Referring to the map at page 121.

14 A I don't actually have that in front of me.

15 Q I will bring it to you.

16 Do you have it?

17 A Yes.

18 Q When did you work on that?

19 A I worked on these maps from 2007 to 2008 roughly,
20 2009. Actually --

21 Q Is there a date on this map?

22 THE COURT: Finish your answer, please.

23 A Most of my work done on this map was in 2008, I
24 believe.

(Stephen Signell - Redirect by Ms. Braymer)

1 BY MS. BRAYMER:

2 Q And is there a date on this map?

3 A October 2nd, 2009.

4 Q With respect to the Moose River Plains and the
5 Seventh Lake Mountain Trail -- strike that.

6 With respect to the Moose River Plains Wild
7 Forest, Miss Simon asked you a question about the Old Growth
8 Forest that you had testified to previously and that there
9 was a proposed route going through that same area. Do you
10 recall that?

11 A Yes.

12 Q Did you do any fieldwork at the time that you were
13 working on this map?

14 A No, I did not. I never visited that area.

15 Q What kind of work were you doing?

16 A So, the work I did on these maps was GIS mapping
17 work. So the unit management planners provided me data and
18 then I ran computer models. This is long before the trails
19 were, you know, being built. This was the very preliminary
20 stages. And they would call on people like me to try to do
21 what's called a least cost path analysis, which means that
22 you have, you know, you have identified point A and point B,
23 and you want to get from one place to the other.

24 And so I set up a computer model that, you

(Stephen Signell - Redirect by Ms. Braymer)

1 know, you can see there is deer yards, wetlands, reserve use
2 areas. There is basically some constraints. You might set
3 up a place where it has to cross over a bridge. And the
4 computer will find different ways to get there.

5 You know, if a planner has gone out and
6 digitized a GPS track of an old road that they might use,
7 they might send that to me.

8 And this map actually is the map that I made
9 about a year after I was really involved with this project.

10 If you look at routes one to ten on here,
11 these are the ones -- I believe these are the ones that my
12 computer model selected. And then a year later they came
13 back and they said, okay, well, this is the trail we are
14 going to put in, and the yellow dash line is that trail. The
15 other trails are the ones that I was involved with during the
16 very early preliminary least cost path analysis.

17 THE COURT: What was that analysis again?

18 THE WITNESS: Least cost path.

19 THE COURT: Thank you.

20 THE WITNESS: It's a common GIS task, I guess.

21 BY MS. BRAYMER:

22 Q I believe you testified that they gave you data; is
23 that correct?

24 A That is correct.

(Stephen Signell - Redirect by Ms. Braymer)

1 Q Who is they?

2 A The DEC.

3 Q Did anyone at DEC provide you with data regarding
4 Old Growth Forests?

5 A No.

6 Q And turning to page 125. Did you make that map at
7 anyone's direction, work on that map at anyone's direction?

8 A Yes.

9 Q Who was that?

10 A I can't remember the exact person. My supervisor
11 was personally Stacy McNulty, who works at the ESF. I'm not
12 sure -- it was a request by someone at the DEC that we run
13 this analysis.

14 Q Regarding Mr. Bauer's work on the Seventh Lake
15 Mountain Trail, did you field check that work?

16 A Yes.

17 Q How did you do that?

18 A In the field I did go out and identify the stumps
19 referred to earlier and I checked them in the field.

20 Q Did you check in any other way Mr. Bauer's work?

21 A Yes. I looked at many of the photos that he took
22 and, you know, verified that they were, in fact, stumps and
23 that the measurements were right, and so on.

24 Q And in your professional opinion, the work that Mr.

(Stephen Signell - Redirect by Ms. Braymer)

1 Bauer did and the checking that you did was adequate for this
2 type of work?

3 A Yes.

4 MS. BRAYMER: Thank you.

5 THE COURT: Thank you.

6 Anything further, Miss Simon?

7 MS. SIMON: Nothing, your Honor.

8 THE COURT: All right.

9 Thank you, Mr. Signell.

10 All set, Miss Braymer, or Mr. Caffry?

11 MS. BRAYMER: Yes. Mr. Caffry will be questioning
12 the next witness if that's acceptable to Miss Simon.

13 THE COURT: All set, Mr. Caffry?

14 MR. CAFFRY: Could I just have two minutes to get
15 reorganized?

16 THE COURT: That's fine.

17 (Pause.)

18 MS. SIMON: Your Honor, Miss Lee-Clark will be
19 working with this witness, just to let you know.

20 THE COURT: Good enough.

21 All set, Mr. Caffry?

22 MR. CAFFRY: Yes, your Honor.

23 The plaintiff calls William Amadon.

24 **THEREUPON,**

(William Amadon - Direct by Mr. Caffry)

1 WILLIAM AMADON,
2 called as a witness, having been first duly sworn, was examined and
3 testified as follows:

4 DIRECT EXAMINATION

5 THE COURT: Good morning, Mr. Amadon. I'm Judge
6 Connolly. Just a couple of things before you begin.

7 First, swing that mic over in front of you a little
8 bit. Don't try to adjust it up or down, because it will
9 fall off.

10 We have a court reporter, as you can see, taking
11 down everything that is said. So because of that I need
12 you to make sure when you answer questions, answer them
13 out loud verbally in a nice and clear voice. Stay away
14 from head nods. Stay away from uh-huh and un-un,
15 because they come out looking the same.

16 If you hear an objection at any point, don't answer
17 the question. If you are already speaking, stop
18 immediately. I will rule on the objection. I will tell
19 you whether you can answer.

20 Okay?

21 THE WITNESS: Okay.

22 THE COURT: Finally, if Miss Lee-Clark says I want
23 a yes or no answer to this question, you can answer
24 three things, yes, no, and I can't do it. Okay? Don't

(William Amadon - Direct by Mr. Caffry)

1 explain any one of the three or why you can or can't do
2 it. Okay?

3 THE WITNESS: Okay.

4 THE COURT: Good enough.

5 All set, Mr. Caffry?

6 MR. CAFFRY: Thank you, your Honor.

7 BY MR. CAFFRY:

8 Q Will you state your name?

9 A William Amadon.

10 Q And what town, county and state do you reside in?

11 A I live in Essex County, Essex, New York.

12 Q Which town is that?

13 A Essex, New York.

14 Q And is that within the Adirondack Park?

15 A Yes.

16 Q Have you lived in the park for your entire life?

17 A Yes.

18 Q Where did you live before you lived in Essex?

19 A I lived in Piseco, New York.

20 Q And which county is that located in?

21 A Hamilton.

22 Q Where are you employed currently?

23 A Champlain Area Trails.

24 Q What's your title?

(William Amadon - Direct by Mr. Caffry)

1 A Stewardship coordinator.

2 Q And how long have you been in that job title?

3 A I was hired in July of 2015.

4 Q Does your work there include trail construction and
5 trail management?

6 A Yes.

7 Q Were you previously a trail volunteer with that
8 organization?

9 A Yes. I started volunteering in 2007.

10 Q That was before you went on the staff?

11 A Yes. I went on the board of directors in 2008.

12 Q Do you have a bachelor's degree?

13 A Yes.

14 Q From what institution?

15 A SUNY Plattsburgh.

16 Q When did you achieve that degree?

17 A 1978.

18 Q What's your degree in?

19 A Bachelor of Fine Arts.

20 Q Have you earned any advanced degrees?

21 A No.

22 Q Were you ever employed by the Department of
23 Environmental Conservation?

24 A Yes, seasonally from 1976 to 1998.

(William Amadon - Direct by Mr. Caffry)

1 Q And where were you employed by them?

2 A I was employed in the three campgrounds on Piseco
3 Lake, Poplar Point, Little Sand Point, and Point Comfort.

4 MS. LEE-CLARK: Sorry. Can you just talk into the
5 mic a little bit more?

6 THE COURT: You can swing it closer.

7 BY MR. CAFFRY:

8 Q And what positions did you hold at each of those
9 campgrounds?

10 A I held just about all of the positions from
11 laborer, lifeguard, park ranger, assistant caretaker, and
12 campsite facility supervisor.

13 Q At which campgrounds were you the facility
14 supervisor?

15 A At Little Sand Point and Point Comfort.

16 Q What years were those positions?

17 A 1980 to 1998, with the exception of 1989.

18 Q And during that time did you also work elsewhere as
19 a trail manager?

20 A I started working for the Piseco Company in 1978 --
21 it was not a full-time job -- rehabilitating about ten miles
22 of trail system that had gone into disuse and was damaged by
23 logging operations.

24 Q And I'm going to hand you what's been marked as

(William Amadon - Direct by Mr. Caffry)

1 Plaintiff's 124 for identification. Do you recognize that
2 document?

3 A Yeah. It's my resume.

4 Q Does it accurately describe your formal education
5 and work experience?

6 A Yes, it does.

7 MR. CAFFRY: Your Honor, I move that Exhibit 124 be
8 admitted into evidence.

9 MS. LEE-CLARK: No objection, your Honor.

10 THE COURT: 124 is received.

11 We are moving on beyond that?

12 MR. CAFFRY: We are moving beyond that.

13 THE COURT: We will have it marked now.

14 (Plaintiff's Exhibit 124 received in
15 evidence.)

16 BY MR. CAFFRY:

17 Q Have you done much hiking in the Adirondacks?

18 A I started hiking at a young age, probably when I
19 was about eight or nine years old, and have done -- I hike
20 almost constantly.

21 Q And in an order of magnitude, how many miles of
22 trails do you think you have hiked in the Adirondacks, tens,
23 hundreds, thousands?

24 A Over a 50-year period, probably thousands.

(William Amadon - Direct by Mr. Caffry)

1 Q Do you snowmobile?

2 A I snowmobiled from 1966 to about 1979.

3 Q In the Adirondacks?

4 A Yes.

5 Q And do you anymore?

6 A No.

7 Q Do you have any formal education in trail design,
8 construction, and maintenance?

9 A No.

10 Q Do you have any informal training or experience in
11 trail design, construction, and maintenance?

12 A Yes.

13 Q Thank you. Did you learn anything from your family
14 that was relevant to trail construction?

15 A My dad was a civil engineer for the State of New
16 York and was project engineer on many of the reconstruction
17 projects of the roads in the Adirondack Park in the 1960s and
18 1970s, and I would accompany him to work and I would discuss
19 what he was doing. I could look at the blueprints. I saw
20 the actual work being done and it gave me an insight into a
21 lot of technical information that I probably would have got
22 if I had formal education.

23 Q And did you learn any techniques about drainage
24 from your father that could be applied to trail design and

(William Amadon - Direct by Mr. Caffry)

1 construction?

2 A He talked to me a lot about why they were doing
3 certain things, like maximum runs for drainage, what the
4 grade work was, what the bench cuts were, what the out slopes
5 were, you know, just general things. And a lot of that came
6 from me asking questions.

7 Q And is that knowledge that you have since applied
8 in your work as a trail manager and as a, I believe,
9 stewardship coordinator?

10 A On a different scale, yes.

11 Q And have you ever done any surveying?

12 A My dad was a licensed surveyor and when I was old
13 enough to assist him, we would survey properties. And
14 usually my other brother would accompany us and I watched him
15 take notes and then he would, you know, I would observe him
16 actually doing the survey maps.

17 Q And have you learned anything about trail design,
18 construction, and maintenance, by observing the Department of
19 Environmental Conservation build or maintain trails on the
20 forest preserve?

21 A Well, some of my first experience, especially out
22 on the trails within a mile of my house when I was probably
23 about 10 years old, I watched the construction of the new T
24 Lake Mountain Trail that ran from Poplar Point to the

(William Amadon - Direct by Mr. Caffry)

1 junction of the Old Jeep Road that went to the top of the
2 mountain where the fire tower was.

3 The reason why they were doing that is they
4 were -- there was a piece of the foot trail that crossed
5 private land and they wanted it entirely on the forest
6 preserve.

7 MS. LEE-CLARK: Objection as to DEC's motivations
8 for doing that.

9 THE COURT: Sustained. That portion of Mr.
10 Amadon's testimony is stricken.

11 Go ahead.

12 BY MR. CAFFRY:

13 Q To your knowledge, at that time that they were
14 building this new section of trail, had they closed any other
15 trails nearby?

16 A After the new trail was constructed, the trail
17 markers were removed from the foot trail section that was on
18 the Piseco Company.

19 Q On the private property that you mentioned?

20 A Yes.

21 Q And about how long was this section that you
22 observed being built?

23 A Approximately two and a half miles.

24 Q And who was doing the work?

(William Amadon - Direct by Mr. Caffry)

1 A Trail crews from the Northville office and a forest
2 ranger.

3 MS. LEE-CLARK: Objection.

4 THE COURT: What's the objection?

5 MS. LEE-CLARK: Lack of foundation.

6 THE COURT: This is the trail from when he was
7 approximately ten years old?

8 MR. CAFFRY: Approximately, yes.

9 MS. LEE-CLARK: That seems awfully remote, your
10 Honor.

11 THE COURT: I agree, unless you are going somewhere
12 with it.

13 I will sustain the objection with regard to the
14 lack of foundation for his knowledge of who was doing
15 the construction.

16 BY MR. CAFFRY:

17 Q When you were observing the work on the trail, did
18 you have any occasion to learn who the people doing the work
19 were?

20 A I personally knew the forest ranger.

21 Q What was his name?

22 A Wilsie Wagoner.

23 Q Was he a DEC employee?

24 A Yes.

(William Amadon - Direct by Mr. Caffry)

1 Q Was the work being done under his direction, as far
2 as you could tell?

3 A Yes.

4 Q And what did you do when you went there?

5 A Sometimes I went there when they weren't working,
6 but a lot of the time I went there basically in the beginning
7 of the trail to just see what they were doing.

8 Q And about how often did you go and over what period
9 of time did you do this?

10 A Probably three or four times a month.

11 Q Over how many months?

12 A The summer season.

13 Q And did you talk to the crew and Mr. Wagoner?

14 A I talked to Mr. Wagoner probably briefly and he was
15 very open about --

16 MS. LEE-CLARK: Objection. It's hearsay.

17 THE COURT: Sustained.

18 BY MR. CAFFRY:

19 Q Did you learn anything about trail design and
20 construction from this experience?

21 A My observation of the forest that didn't have a
22 trail in it to basically a finished trail, that's what I
23 learned.

24 Q I'm sorry. Could you speak up or move the

(William Amadon - Direct by Mr. Caffry)

1 microphone closer?

2 A I basically observed the process from the beginning
3 to the end.

4 Q Did you observe anything about how to do drainage
5 work on a trail like that?

6 A There was very little drainage work needed on that
7 trail, but I can't really say that I learned a lot about
8 drainage.

9 Q Do you recall why so little drainage work was
10 needed?

11 MS. LEE-CLARK: Objection.

12 THE COURT: Sustained.

13 Q Did you observe the layout of the trail and its
14 relationship to the land that it passed through?

15 A I think that part of it was as a 10 or 11 year-old.
16 I can't really say that I learned a lot about the routes,
17 except that it seemed to be generally an easy or easily
18 traversed trail.

19 Q Is this trail still used and maintained by DEC as a
20 foot trail, to your knowledge?

21 A Yes.

22 Q Is it marked with trail markers?

23 A Yes.

24 Q Does it have a sign at the trailhead?

(William Amadon - Direct by Mr. Caffry)

1 A Yes.

2 Q Were there other occasions when you were able to
3 observe DEC trail crews working around Piseco?

4 A No.

5 Q Did you ever get any hands-on experience building
6 trails on the State Forest Preserve in the vicinity of
7 Piseco?

8 A In the 1980s I helped Wilsie Wagoner, who is
9 retired. We had some of the process of building the Piseco
10 Airport Ski Trail.

11 MS. LEE-CLARK: Objection, your Honor.

12 THE COURT: What's the objection?

13 MS. LEE-CLARK: There is no basis that that's in
14 the forest preserve.

15 THE COURT: I assume we are eliciting this
16 evidence, and I could be wrong, but eliciting this
17 evidence to demonstrate Mr. Amadon's expertise in
18 certain areas, such that you might elicit opinion
19 testimony.

20 If that assumption is wrong, please tell me so, Mr.
21 Caffry, and I will rule on the objection.

22 MR. CAFFRY: Your assumption is correct, your
23 Honor. This is part of establishing his experience and
24 knowledge.

(William Amadon - Direct by Mr. Caffry)

1 THE COURT: The objection is overruled.

2 You may answer or, I'm sorry, I think you did
3 answer already.

4 So you may ask the next question.

5 MR. CAFFRY: Could you repeat the question and
6 whether or not there was an answer?

7 THE COURT: Thank you.

8 (Whereupon the Reporter read back the
9 last question and answer.)

10 BY MR. CAFFRY:

11 Q To your knowledge, was that trail located on the
12 State Forest Preserve?

13 A Ninety percent of it is in the Jessup River Wild
14 Forest.

15 Q And it adjoins the, what you referred to as the
16 Piseco Airport?

17 A It leaves the airport on the east side and loops
18 back to the west side of the runway.

19 Q Were you ever employed by the airport?

20 A Yes. I was the airport manager in 1975.

21 Q So from that would you have knowledge as to what
22 the -- who owned the adjoining property to the airport?

23 A Yes.

24 Q And do you know whether or not -- you say Mr.

(William Amadon - Direct by Mr. Caffry)

1 Wagoner was retired. Do you know whether or not he had any
2 authorization to build this ski trail on that land?

3 MS. LEE-CLARK: Objection.

4 THE COURT: Sustained.

5 BY MR. CAFFRY:

6 Q While you were with him, did anybody from the DEC
7 ever show up and tell him to stop building this trail?

8 MS. LEE-CLARK: Objection.

9 THE COURT: Sustained.

10 Mr. Caffry, I thought you were just asking
11 questions in order to establish his expertise in certain
12 areas.

13 MR. CAFFRY: I will move on.

14 THE COURT: If you are going into substantive
15 issues, then we are going to have to reassess.

16 MR. CAFFRY: I will move on.

17 THE COURT: Thank you.

18 BY MR. CAFFRY:

19 Q Is a cross-country ski trail similar to a hiking
20 trail?

21 A Yes.

22 Q And how long was this trail that you worked on with
23 Mr. Wagoner?

24 A Eight kilometers.

(William Amadon - Direct by Mr. Caffry)

1 Q What did you do in its design and construction?

2 A I mainly assisted him with some of the heavy work,
3 some of the bridge work. I was not really involved in the
4 scoping of the trail route.

5 Q Were you able to observe how he had scoped it and
6 where he laid it out?

7 A Yes. In fact, we did make some changes to the
8 original route, because I was a cross-country skier and he
9 was not.

10 Q And over what period of time was this?

11 A The trail was completed in a 12-month period.

12 Q And did you do any other work with Mr. Wagoner when
13 he was a retired forest ranger?

14 A Mr. Wagoner built a snowmobile trail from the Polly
15 Road to, I think the name of it was Kennel Pond at Avery's
16 Place, and occasionally if I saw his vehicle parked along the
17 road, I would go in and rarely work with him.

18 Q Did you provide any assistance in the routing or
19 the scoping of the trail?

20 A No.

21 Q During your time working at the DEC campgrounds,
22 did you do or supervise any work involving the maintenance of
23 trails within the campgrounds?

24 A The maintenance of any trails was very limited in

(William Amadon - Direct by Mr. Caffry)

1 the campgrounds and basically limited to walk-on only sites.
2 So we had to basically do some constant, you know,
3 mitigation, maintenance, to deal with erosion and vegetation.

4 Q You mentioned having been employed by the Piseco
5 Company as well as, I believe, a former trail on its
6 property. What does that company do?

7 A The Piseco Company was organized in the 1890s as a
8 club with a clubhouse and it is now open to the public.
9 There is an Inn and --

10 Q What was the name of the Inn?

11 A Irondequoit Inn.

12 Q Please continue. They operated an Inn and you were
13 saying what else they do there.

14 A They have cottages and efficiencies. They have a
15 beach in the summer. They have a restaurant.

16 Q And that's, I believe you said, located in Piseco.
17 How much land does it own?

18 A About 504 acres.

19 Q How many miles of foot trail does it have on that
20 land?

21 A Approximately ten miles.

22 Q And are these trails private or are they open to
23 the general public?

24 A Even though it's on private land, it's not posted

(William Amadon - Direct by Mr. Caffry)

1 and it's open to the public.

2 Q How much use do they get?

3 A I can't tell you what the current use is, because I
4 haven't -- let's see.

5 Q During the time when you worked there, how much use
6 were they getting?

7 A Some local use, but mostly just patrons of the Inn
8 and other business.

9 Q Are they seasonal or year-round trails?

10 A Year round. Hiking in the summer, skiing and
11 snowshoeing in the winter.

12 Q And when you worked there, what were you first
13 hired to do?

14 A I was hired to rehabilitate the trail system that
15 had been degraded by logging activity.

16 Q In doing so, did you apply the knowledge and skills
17 that you had learned from others as you have previously
18 described?

19 A Yes. I had to mitigate a lot of drainage problems
20 that was created by the logging activity. I had to deal with
21 the fact that there was so much light introduced after the
22 logging activities, that there was a lot of excessive
23 vegetation that was overtaking the trail system.

24 Q How did you deal with the latter situation, with

(William Amadon - Direct by Mr. Caffry)

1 the vegetation?

2 A With using scythes, with brush blades. Basically
3 all hand work.

4 Q Did you relocate any of the trails?

5 A There was some trails that were too badly damaged
6 that needed to be relocated because they had eroded into long
7 runs of ditches and skitter ruts that would have taken too
8 much work to repair.

9 Q And which was the first trail there you actually
10 worked on?

11 MS. LEE-CLARK: Objection, your Honor.

12 THE COURT: What's the objection?

13 MS. LEE-CLARK: Relevance. What does this have to
14 do with Class II trails?

15 THE COURT: Again, I assume he's going to his
16 expertise, but I don't know what the specific first
17 trail he worked on, I don't know what that relevance
18 would be, so I'm going to sustain the objection to that
19 question.

20 BY MR. CAFFRY:

21 Q How many different trails did you work on at that
22 property?

23 A Six.

24 Q And on those trails did you do route planning or

(William Amadon - Direct by Mr. Caffry)

1 scoping, I believe you referred to it?

2 A The reroutes had to be scoped. The reroutes were
3 really insignificant to the total mileage though.

4 Q Did you have to clear any trees or other woody
5 vegetation?

6 A Yes.

7 Q And did you clear a lot of trees or not?

8 A There was not a lot of deadfall to clear, but a lot
9 of blackberries, raspberries, small trees, witch hobble,
10 viburnum, that was encroaching on the trail because of the
11 daylight. The canopy was basically gone through long
12 stretches of the trail system.

13 Q When you did this work, did you use any types of
14 manuals or did you rely on your experience?

15 A I relied on my experience.

16 Q How long was this period of time when you worked to
17 rehabilitate the trail system?

18 A The initial work was done probably in about a
19 16-month time period.

20 Q And after that did you continue to maintain these
21 trails for the rest of the time that you were employed by the
22 company?

23 A Yes. My employment as far as the trail system was
24 basically limited after the initial reworking and

(William Amadon - Direct by Mr. Caffry)

1 rehabilitation of the trails.

2 Q But during that time were you responsible for
3 maintaining them and making sure they were in good shape?

4 A Yes.

5 Q Can you describe further what Champlain Area Trails
6 is?

7 A Champlain Area Trails is a private land trails
8 organization.

9 Q Is it a not-for-profit corporation?

10 A Yes.

11 Q Continue please.

12 A And our main office is located in Westport, New
13 York. We are also a land conservation organization.

14 Q Is it often referred to by the acronym of CATS,
15 C-A-T-S?

16 A Yes.

17 Q So if I slip and refer to that, you will know what
18 I'm talking about?

19 A Yes.

20 Q And what is the extent of its overall area of
21 operation?

22 A Our geographic area of planning and existing trails
23 is from Ticonderoga to Keeseville.

24 Q Is that all within the Adirondack Park?

(William Amadon - Direct by Mr. Caffry)

1 A Yes.

2 Q And about in an east-west direction, what is the
3 aerial extent?

4 A We have trails on private land as far west as
5 Elizabethtown.

6 Q And going to the east all the way to the shore of
7 Lake Champlain?

8 A Yes.

9 Q And about how many miles of off-road hiking trails
10 does CATS have at this time?

11 A CATS marked trails at this time are around
12 40 miles.

13 Q And about how many different trails is that on?

14 A We have approximately 30.

15 Q Is CATS continuing to add trails?

16 A Yes.

17 Q About how many new miles or new trails does it add
18 in a typical year?

19 A Trails in the planning phase at this point probably
20 amount to around ten miles.

21 Q Are the trails that CATS builds and maintains, are
22 they located on public lands or private lands?

23 A Private lands.

24 Q Does CATS get permission from the land owners for

(William Amadon - Direct by Mr. Caffry)

1 these trails?

2 A We have temporary revocable permits on the private
3 land owners to establish the trail on the property.

4 Q Who does the actual trail building?

5 A I do probably 90 percent of the trail work, but we
6 also have volunteer workdays.

7 Q And these are citizens who come to assist you or
8 who are they?

9 A Yeah. We advertise the day of the project and
10 sometimes we ask for RSVP, but on the average five to six
11 people show up.

12 Q And do you supervise those people in their work?

13 A Yes.

14 Q Are these trails open to the general public?

15 A Yes.

16 MS. LEE-CLARK: Objection, your Honor.

17 THE COURT: Overruled.

18 BY MR. CAFFRY:

19 Q I'm sorry, did you answer the question?

20 A Yes.

21 Q And is the fact that they are open to the public
22 publicized?

23 A Yes. We have a website. We also print the current
24 year's map listing and the entire regional map of the

(William Amadon - Direct by Mr. Caffry)

1 existing trails.

2 Q How much use do these trails get?

3 A Last year we only have, of the 30 trails, five
4 sign-in points. And we had approximately, in the 12-month
5 period, around 900.

6 Q And to your knowledge, do all trail users sign in
7 at the sign-in points?

8 A No.

9 Q When you say 900, that was just at those five
10 points. You don't know how many use the other trails?

11 A Correct.

12 Q Mr. Amadon, I have just handed you Plaintiff's 125
13 for identification. Can you tell the Court what that is?

14 A This is our current 2016 trail map.

15 Q Is that available to the general public?

16 A Yes.

17 MR. CAFFRY: Your Honor, I would like to move
18 Exhibit 125 be admitted into evidence.

19 MS. LEE-CLARK: Objection. Relevance, your Honor.

20 THE COURT: What's the relevance, Mr. Caffry?

21 MR. CAFFRY: It's to demonstrate the extent of his
22 qualifications and experience of the amount of trails
23 and the size of the trail network that he has helped
24 construct and maintain.

(William Amadon - Direct by Mr. Caffry)

1 THE COURT: He just testified to all that. I think
2 we are getting a little bit too specific with regard to
3 his experience. So the objection with regard to
4 relevance is sustained.

5 MR. CAFFRY: I will move on.

6 THE COURT: Okay. Mr. Caffry, I have a matter at
7 1:00 that I have to do in another courtroom. It will
8 only take a few moments, but because of that we are
9 going to take a break in the next five or ten minutes.
10 So whenever is good for you.

11 MR. CAFFRY: Five or ten. I have a piece I can do
12 here in five or ten.

13 THE COURT: That will be fine.

14 MR. CAFFRY: Okay.

15 BY MR. CAFFRY:

16 Q I believe you testified you have been involved with
17 Champlain Area Trails now, is it ten years?

18 A Since 2007.

19 Q And when you first got involved with the
20 organization, about how many miles of trails did it have at
21 that time?

22 A Three.

23 Q And how did you first get involved?

24 A I showed up at a volunteer workday.

(William Amadon - Direct by Mr. Caffry)

1 Q And what trail was this workday occurring on?

2 A Our Bouquet Mountain Trail.

3 Q And about how long is that trail?

4 A Three miles.

5 Q And you said it's on Bouquet Mountain. Is that
6 flat or is it a mountain? The trail I mean.

7 A It's a combination.

8 Q And what did you do on that project?

9 A I initially worked that day as a volunteer. I did
10 not have a role in scoping the trail, so I became involved in
11 rerouting sections that were not usable.

12 Q This was after that initial workday?

13 A Yes.

14 Q And who did the planning for those reroutes?

15 A I did.

16 Q And who did the physical work for those reroutes?

17 A I did.

18 Q And what did you do for the organization after the
19 Bouquet Mountain Trail?

20 A I was contacted late in that year and asked to join
21 the board of directors.

22 Q Did you do so?

23 A Yes.

24 Q Did you do any further work on trails for the

(William Amadon - Direct by Mr. Caffry)

1 organization after you joined the board of directors?

2 A Yes. I became chair of the trails committee and
3 basically was in charge of the trails program.

4 Q Did you continue to scope or plan new trails?

5 A Yes.

6 Q And did you also do trail construction?

7 A Yes.

8 Q During that time while you were -- before you went
9 on staff, while you were still a volunteer, about how many
10 miles of trail did CATS add?

11 A Probably 25.

12 Q Were you principally responsible for that work?

13 A Yes.

14 Q And did you follow any manuals or did you apply the
15 real world knowledge and experience that you had gained
16 before that?

17 A I used manuals, mainly for an education purpose
18 when I was talking to volunteers about what the project was
19 going to be.

20 Q And is there any difference between designing
21 trails for the public land versus trails that are on private
22 land that will be open to the public?

23 A I don't think there is any major differences
24 between the Champlain Area Trails Hiking Network and the

(William Amadon - Direct by Mr. Caffry)

1 hiking trails that are on the forest preserve.

2 MS. LEE-CLARK: Objection, your Honor.

3 THE COURT: Sustained. The answer is stricken.

4 BY MR. CAFFRY:

5 Q When you went from being a volunteer to being on
6 staff of CATS, did they just hand you the job or did they do
7 a competitive search?

8 A No. We had 15 or so applicants.

9 Q Who selected you for the job?

10 A The executive director.

11 Q After you went on staff, did you continue to work
12 on the organization's trails in the same way as before?

13 A Yes, but I also had land conservation duties.

14 Q Let me ask you to clarify. Were those related to
15 the trails per se?

16 A Yes.

17 Q In what way?

18 A Our organization basically -- it's important that
19 our trail system is sited in such a way that if we have any
20 identified conservation issues, that we try to avoid them.

21 Q And --

22 MR. CAFFRY: Your Honor, this may be a good time to
23 break for lunch.

24 THE COURT: Good enough. We will do that. We will

(William Amadon - Direct by Mr. Caffry)

1 return at 1:15. Thank you folks.

2 (Whereupon a lunch recess was taken.)

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6 I N D E X

7 Volume VII - Pages 664-747

8 PLAINTIFF'S WITNESSES

9 <u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
10 Stephen Signell	673	702	713	---
11 William Amadon	720	---	---	---

12
13 PLAINTIFF'S EXHIBITS

14 <u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT.</u>	<u>EVID.</u>
15 32	Photo - Limekiln Cutoff	---	687
16 34	Photo - Beaver Lake Road	---	695
17 35	Photo - Beaver Lake Trail	---	690
18 41	Photo - Indian Lake - Bauer	---	679
19 42	Photo - Indian Lake - Bauer (2)	---	679
20 50	Photo - Otter Brook	---	691
21 51	Photo - Rock Dam - Bauer	---	676
22 52	Photo - Sly Pond	---	682
23 123	Bog River Complex UMP Amendment 7/14	---	673
24 124	Resume of William R. Amadon	---	723

Protect the Adirondacks! v. NYS DEC & APA

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C E R T I F I C A T I O N

I, Tracie Pamela Hilton, C.S.R, R.P.R., a Senior Court Reporter for the Unified Court System, Third Judicial District of the State of New York, do hereby certify that I attended and reported the foregoing proceedings; that it is a true and accurate transcript of the proceedings had therein to the best of my knowledge and ability.

Tracie Pamela Hilton

Tracie Pamela Hilton
Certified Shorthand Reporter
Registered Professional Reporter

Dated: April 3, 2017

Tracie Pamela Hilton, CSR, RPR
Senior Court Reporter