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STATE OF NEW YORK
SUPREME COURT

ALBANY COUNTY

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,

Index No.
2137-13
RJI No.
01-13ST4541

Defendants-Respondents

EXAMINATION BEFORE TRIAL of the
Defendant, Adirondack Park Agency, by and through its
agent, representative or employee, **WALTER W. LINCK**,
held pursuant to Notice, at New York State Department
of Environmental Conservation, 232 Golf Course Road,
Warrensburg, New York, on Monday, November 16th, 2015,
commencing at 9:31 a.m.; before MARY ELLEN BAKER, a
Shorthand Reporter and Notary Public in and for the
State of New York.

Blumberg No. 5113
PLAINTIFF'S
EXHIBIT
164 4/4/17 EVD

1 APPEARANCES:

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1 WALTER W. LINCK,

2 having been first duly sworn by the Notary Public, was
3 examined and testified as follows:

4 EXAMINATION BY MR. CAFFRY:

5 Q. Good morning, Mr. Linck.

6 A. Good morning.

7 Q. I'm going to be asking you some questions about
8 this case, which I assume you have some familiarity with and
9 they will be limited to the part of the case that relates to
10 the Article 14 claim regarding Class II community connector
11 snowmobile trails. We would like to ask you to speak
12 clearly for the stenographer. Shaking your -- she can't
13 take down head shakes or nods or whatever, like you're doing
14 right now.

15 A. Right.

16 Q. So you have to, you know, verbalize your answers,
17 and if my question is not clear for you, say so and I'll try
18 to clarify it.

19 A. Okay.

20 Q. Will you state your full name?

21 A. Walter Wayne Linck.

22 Q. And are you an employee of the Adirondack Park
23 Agency?

1 A. Yes.

2 Q. What's your position there?

3 A. Associate Natural Resources Planner.

4 Q. And how long have you been at the APA?

5 A. Nearly 15 years.

6 Q. And when did you start there then?

7 A. February of 2001.

8 Q. And what was your position at the time?

9 A. I can't remember the name of it. I was a
10 temporary employee, full-time.

11 Q. And what -- what did you do in that position?

12 A. I did the same sort of work, fundamentally, that I
13 do now, in terms of state land work for the agency. I
14 reviewed unit management plans produced by DEC. I assessed
15 impacts on natural resources in the park resulting from DEC
16 projects and planning. I was responsible for working with
17 other agencies of the state in the government's ad hoc
18 committee on low level space dealing with low level military
19 flights over the park, other things like that.

20 Q. And how long were you in that position?

21 A. I had numerous positions up through about 2008,
22 that first were temporary and renewed again and again. The
23 titles changed. I ended up a DEC employee for about a year,

1 maybe a year and a half, while I was working at the agency.
2 I was still doing the same work all this time. And then I
3 went back to APA. I was not in a civil service tract
4 position until I became an Associate Natural Resources
5 Planner, I believe, in 2008.

6 Q. And is that your current position now?

7 A. Yes.

8 Q. And are your duties the same as what you just
9 described?

10 A. Yes.

11 Q. What other types of projects have you worked on in
12 addition to unit management plans since you got into your
13 current position?

14 A. I am responsible for a lot of project review,
15 primarily DEC projects. Some have been well specified in
16 unit management plans, some have not been specified in unit
17 management plans. Others have been loosely referred to in
18 unit manager plans. So there's a lot of project review, as
19 I said. Other work has involved some park-wide planning.
20 Currently, in park-wide planning, I'm very involved with the
21 Great South Woods planning project. I also helped a good
22 deal with DEC's planning for the railroad corridor that runs
23 from the Lake Placid corridor. I'm also involved in the

1 early stages of some of the planning with DEC.

2 Q. And is all of your work related to the Forest
3 Preserve?

4 A. The bulk of my work at the agency has to deal with
5 Forest Preserve. Sometimes I get caught up assisting with
6 other aspects of APA's work, such as Local Government Day in
7 March, et cetera, but -- Local Government Day work. It's a
8 special program in the spring.

9 Q. And what's your educational background?

10 A. I have a bachelor of science degree in biology,
11 with a major in forest zoology. I have a master of science
12 degree in environmental science with a concentration in
13 environmental education/communications.

14 Q. And where did you get those degrees?

15 A. Both of those degrees I got at the SUNY College of
16 Environmental Science and Forestry, in Syracuse.

17 Q. And --

18 A. Excuse me, I might add that my concentration in
19 communications was largely done at Syracuse University.

20 Q. Are you trained in forestry at all?

21 A. One one week field course in Forestry in 1977.

22 Q. Where was that?

23 A. Wanakena.

1 Q. Is that the state ranger's school?

2 A. Yes.

3 Q. And do you have any training in wilderness
4 management?

5 A. Yes.

6 Q. And where did you receive that?

7 A. My training in wilderness management has most
8 formerly been through trainings offered and given by Chad
9 Dawson of ESF through a number of years. These trainings
10 were offered to DEC staff, but some APA staff also
11 participated. Also I have been to one Carhartt Institute
12 Wilderness Management Training that was held in New
13 Hampshire in 2009, I believe. And then, more informal
14 training came with my work in directing or teaching for some
15 programs, such as the Audubon Expedition Institute and the
16 Americor service program that was here in the Adirondacks.
17 And also as an educator for North Country Community College,
18 I taught a course in wilderness management for the college.

19 Q. And when you refer to Chad Dawson at ESF, is he a
20 professor at the SUNY College of Environmental Science and
21 Forestry?

22 A. He was a professor at the time.

23 Q. Is he retired now?

1 A. Yes, he is.

2 Q. And, what, specifically, did you teach that you --
3 that you took from him?

4 A. I won't be able to remember all the modules.

5 Q. Was this part of your bachelor's and master's
6 there?

7 A. No. This is part of my on-the-job training with
8 APA.

9 Q. Okay. And what types of things, to the extent
10 that you remember?

11 A. Many different topics that included best
12 management practices, such as limits of acceptable change
13 and -- or a visitor -- an alternative form of mitigating
14 impacts as VERP, V-E-R-P. I forget exactly what it stands
15 for. Visitor experience, something. Other topics included
16 minimum requirements or minimum tool decision making.

17 Q. Is that for construction projects --

18 A. Yes.

19 Q. -- on the Forest Preserve?

20 A. Yes.

21 Q. And the same with the best management practices,
22 was that same kind of thing?

23 A. Yes.

1 Q. So, ways of doing things with minimal adverse
2 impact?

3 A. Minimal adverse impact, yes.

4 Q. Do you have any training or experience or
5 expertise in the -- in trail construction?

6 A. Yes.

7 Q. And what is that -- what is that, and how did you
8 acquire that?

9 A. Largely informally. I've never taken a -- a
10 course or workshop in trail construction. However, as
11 director of the Adirondack Americor service program, I was
12 responsible for the service maker -- service members who
13 were doing trail work here in the Adirondacks for DEC. The
14 training that they received I was often present for, and I
15 sometimes visited them in the field and watched their work.
16 On occasion, I helped them in the field, such as some trail
17 work up Mount Arab, for instance, not far from Tupper Lake.

18 It was often the focus of discussion and sometimes
19 work in other programs. For instance, I did a little bit
20 with New York City Outward Bound, some trail work here in
21 the Adirondacks. Was essentially volunteer work. We ran
22 into trail crews sometimes with the Audubon expedition,
23 primarily in the southwest, and we witnessed the work as

1 students and faculty.

2 Q. When you mentioned Americor, was that prior to
3 working for the Adirondack Park Agency?

4 A. Pretty much just prior.

5 Q. And what type of trails were they building?

6 A. I think it was always foot trails.

7 Q. And they would do this as, essentially,
8 contracting with DEC?

9 A. Yes.

10 Q. Do you have any training or expertise and
11 experience in the construction of snowmobile trails?

12 A. Through my work here with the Park Agency, yes.

13 Q. So on the job?

14 A. On the job, yes.

15 Q. How many years have you been involved with
16 snowmobile trail construction?

17 MS. SIMON: Objection. Did he say he's
18 involved in construction?

19 MR. CAFFRY: I believe --

20 MS. SIMON: Was that established?

21 MR. CAFFRY: -- I said training,
22 expertise and experience in the construction of
23 snowmobile trails.

1 MS. SIMON: Okay. And then the next
2 question was, how long have you been involved in
3 construction. I don't think he testified to that.
4 I'm just asking for point of clarification.

5 MR. CAFFRY: Construction was part of
6 the first question.

7 MS. SIMON: I understand.

8 A. May I clarify?

9 Q. Yes.

10 A. My involvement in snowmobile trail construction
11 through the Park Agency has been an involvement largely in
12 helping to plan certain aspects of the work, and to review
13 certain aspects of the work, not so much in the actual
14 physical work of building the trail.

15 Q. Understood. And when you say "review," does that
16 mean reviewing work that had been performed by DEC on
17 snowmobile trails?

18 A. Reviewing -- what I mean is reviewing the written
19 plans for the construction, and also reviewing the work
20 either as it's ongoing or after it has been completed in the
21 field.

22 Q. And were you also involved at all in laying out
23 the routes for the trails?

1 MS. SIMON: I object to the personal
2 information. If you want to ask him anything
3 about his job and his obligations with work, but
4 his personal information is personal.

5 Q. Does your work require you to be in the field, in
6 the Forest Preserve?

7 A. Yes.

8 Q. And how much time do you spend doing that?

9 A. That's hard to characterize in terms of average.
10 I mean, it's a lot less in winter, for instance, than it is
11 in summer, but I would guess that I could say it's periodic
12 and sometimes frequent.

13 Q. Weekly, once a month?

14 A. At least a couple of times a month.

15 Q. Sometimes more, sometimes less?

16 A. Sometimes more, sometimes less. Yes.

17 Q. And do you ever use the Forest Preserve on a
18 snowmobile?

19 A. I -- excuse me, for work?

20 Q. Do you know how to operate a snowmobile?

21 A. No. I used to, in the 1970s.

22 Q. You don't any more?

23 A. No.

1 A. No.

2 Q. Who do you report to at APA?

3 A. I report to the planning division director.

4 Q. And who is that?

5 A. It is now Kathy Regan.

6 Q. And who held that position before her?

7 A. James E. Connolly.

8 Q. And when did she assume that position?

9 A. I think a little over one year ago.

10 Q. And Mr. Connolly retired; is that correct?

11 A. Yes.

12 Q. Does anybody report to you?

13 A. No.

14 Q. And how many other people do the kind of work you
15 do at APA, or similar work?

16 A. Similar work would involve three other people at
17 this time. Kathy Regan, Kevin Prickett, and Matt MacNamara.

18 Q. And is it true that he just within -- started
19 doing that work within the last year?

20 A. He?

21 Q. Mr. MacNamara?

22 A. I think within the last year, yes.

23 Q. You said your work involves reviewing work plans

1 prepared by DEC, and that includes the Class II community
2 connector trails?

3 A. Yes.

4 Q. Can you describe what you do when you're reviewing
5 them, how you go through that process, and in particular, as
6 it relates to tree removal and excavation and other physical
7 work on the Forest Preserve? What's the process, in
8 general?

9 A. The standard process, I think what you would call
10 the expected typical process, is that at each planning and
11 construction phase of the snowmobile trail construction
12 process, DEC submits a written plan and I review it first,
13 quickly, in the office. And then, before the work is to be
14 undertaken in the field, I try to get to the field to see
15 either all of the plan in the field or much of it, and then,
16 I sign off on the snowmobile work plan form or not.

17 For this Seventh Lake trail -- Seventh Lake
18 Mountain Trail, excuse me, and for the Gilmantown Trail and
19 Jessup River Wild Forest, I also was in the field with DEC
20 staff at very early stages of route planning before any
21 first snowmobile work plans were devised.

22 Q. And why was that?

23 A. For one, we were all anxious about doing it right,

1 working together in the projects. For another, I do have
2 some trail construction and review experience, and I -- my
3 assistance in the field was valued at early stages, because
4 none of us wanted to have to go out and do it twice, so to
5 speak.

6 Q. And did your advice result in changes to the plans
7 out in the field?

8 A. Frequently, yes.

9 Q. And what types of changes would you recommend?

10 A. Major to minor routing changes, sighting changes.
11 When the trail route was initially being laid out in the
12 woods, it got down to details of which rocks might be
13 removed, which should stay, which trees should be cut, which
14 should stay.

15 Q. And what was the purpose -- what would a minor --
16 excuse me, what would a major change be, what you mentioned,
17 major changes?

18 A. Well, a good example would be the Seventh Lake
19 Mountain Trail. When we made -- took many stabs at an
20 initial route, leaving the Moose River Plains Road and
21 trying to get around Seventh Lake Mountain, one side or the
22 other of the mountain, and we finally, after a third or so
23 major attempt, found a route we thought we could work.

1 Q. What was it that made that route work as opposed
2 to others?

3 A. The primary difficulty we had on the slopes of
4 Seventh Mountain was outcroppings of ledge.

5 Q. So you had to find a route that avoided that?

6 A. Yes.

7 Q. Did you make -- recommend changes that -- to avoid
8 cutting trees or re-rooting to avoid trees or anything like
9 that?

10 A. Yes.

11 Q. And what was the purpose of doing that?

12 A. Primarily to minimize the cutting of larger trees,
13 and also particularly healthy trees.

14 Q. In terms of individual trees, you're talking
15 about?

16 A. Yeah.

17 Q. Who performed the so-called tree counts on the
18 trail route for the trails you worked on?

19 A. Most of the time DEC staff.

20 Q. Did anybody else do that?

21 A. I assisted, probably, twice.

22 Q. And was there any attempt to verify DEC's tree
23 counts?

1 A. Not the count itself, no.

2 Q. Any particular reason why that wasn't done?

3 A. For one thing, it would be extremely difficult and
4 time consuming. For instance, we would -- when I was
5 working with them, we would do our best to paint spot every
6 significant piece of vegetation that we thought needed to be
7 cut.

8 Q. With spray paint?

9 A. That -- that involved everything from sapling size
10 sometimes, on up to what DEC officially counts as a tree,
11 which is three inches DBH or larger, I think it is. So,
12 lots was painted, but only certain ones would count. And
13 when you are left with a stump of a certain lower-end
14 diameter, even though there may have been a paint spot put
15 on the base of the tree so that we knew that was to be cut,
16 it was not possible at that time to imagine just what the
17 width was DBH and, therefore, counted or not counted.

18 What matter to us in the field -- I mean, to us,
19 APA and DEC, was in the end how wide in each particular
20 location. So if the trail is to be set at 9-feet wide along
21 the straight stretch, for instance, what really mattered was
22 that that 9-foot wide width was cut, no matter how many
23 trees, it was appropriate that those trees were cut. It was

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Q. Do -- when you refer to an old route, you mean an old lodging road, for instance, an old trail or --

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A. Yes.

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Q. -- something like that?

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A. Yes.

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Q. And younger trees would have started to grow up

9

within it?

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A. Right.

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Q. Do smaller trees have ecological value?

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A. I think they do, yes.

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Q. And does removing them have an ecological impact

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on the Forest Preserve?

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A. All activities like that have impacts, yes.

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Q. And you mentioned benching, what is the purpose of -- what is benching?

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A. Benching is to eliminate side slope on a trail, so that if you're traveling, say, on hilly terrain on contour, you're not sliding sideways, you're on a relatively level surface, not perfectly level, but level enough so that you stay on the trail but also with just enough pitch that water will travel across the trail and off the side, rather than running the length of the trail and eroding it.

Q. And would that erosion occur if the trail had not been benched? We're talking about a snowmobile trail here.

1 Or are you saying if it was not benched properly?

2 A. If it was not benched properly. However, a trail
3 benched in the side of a slope will catch water. You
4 attempt to shed it off to the side where you can. Sometimes
5 it's inevitable that water travels with the trail. When
6 that is the situation, the effort is to have it be sheet
7 flow rather than in the form of rivulets and streams, and
8 the effort is to catch it by means of such things as
9 broad-based dips that then shed the water off the trail.

10 Q. What's a broad-based dip?

11 A. It is an area where you intentionally create a
12 very shallow bowl-like depression in the trail rather than
13 a deep cut, like for a culvert, for instance. And that
14 shallow depression is angled so that it carries water off
15 the trail in a broader form than in a channel.

16 Q. With the snowmobile trail, would that be necessary
17 if you weren't cutting a bench in the first place?

18 A. Could you repeat that question?

19 Q. Would cutting these dip -- broad-based dips, would
20 that be necessary on a snowmobile trail if you weren't -- is
21 that necessary on parts of the trail that aren't benched?

22 A. Sometimes, yes.

23 Q. And is that something that's done on hiking

1 trails?

2 A. More and more, yes. That's a much -- it's
3 considered to be a much better way of handling drainage on
4 all types of trails, mountain bikes trails, many types of
5 trails.

6 Q. As opposed to a deeper ditch?

7 A. Yes. As opposed to your traditional rock or log
8 water bar drainage mechanisms.

9 Q. How much are bench cuts typically made on hiking
10 trails or foot trails?

11 MS. SIMON: I think that was just asked
12 and answered. Didn't you just ask that?

13 MR. CAFFRY: No.

14 MS. SIMON: Didn't you just ask if bench
15 cuts were done on hiking trails?

16 MR. CAFFRY: No.

17 MS. SIMON: I think he answered you.

18 MS. BRAYMER: He asked about the bold
19 thing.

20 MR. CAFFRY: I asked about the
21 broad-based dips.

22 MS. SIMON: I thought you asked and he
23 answered that -- that it was done on hiking trails

1 more and more, yes.

2 MR. CAFFRY: No --

3 A. Broad-based dips.

4 MS. SIMON: Broad-based dips. Okay.

5 Thank you.

6 A. Trail construction, best management practices,
7 have been evolving for a long time, and the current best
8 management practices across the world, as far as I can tell,
9 now include careful bench cutting, even on foot trails,
10 whenever you're crossing side slopes of such slope that
11 calls for it. I mean, extremely gentle side slopes, no, the
12 foot traffic wears in the bench, so to speak. You don't
13 need to do any cutting because the action of your feet on
14 the ground create a bench cut, so to speak. But, where the
15 action of the feet on a foot trail will not do that because
16 the pitch is already so low, standard practice now is to do
17 bench cuts because that helps it become a sustainable trail
18 that will not wash away. You design the route, you design
19 it differently for different types of use, mountain bike,
20 side -- bench cutting is done differently from foot trail
21 bench cutting, because of the speed of the use, et cetera.
22 However, it's now standard practice in my understanding to
23 create good bench cuts where there is -- wherever there is

1 any significant slope in order to catch the water and shed
2 it carefully by one means or another. That way the trail
3 stays there and does not erode away.

4 Q. Are there written best management practices or
5 guides? You have referred to that more than once. Is there
6 some particular publication or standards?

7 A. There are multiple publications and standards, I'm
8 sure. Forest Service, no doubt, has stuff that I've looked
9 at.

10 Q. That's the United States Forest Service?

11 A. Yes. I'm sure that there are numerous
12 publications that cover these current best management
13 practices.

14 Q. And in constructing bench cuts for a snowmobile
15 trail versus for a hiking trail, is there any difference in
16 the size or the manner of construction of the benches?

17 A. Well, to have two snowmobiles pass each other on a
18 trail, in opposite directions, which is an objective of the
19 Guidance, given the current width of snowmobiles, we decided
20 that we would need to have a 9-foot trail width. When you
21 are on Adirondack slopes, which can obviously be steep in
22 places, bench cuts are more challenging than some foot
23 trails, because when you do a bench cut that is as wide as

1 9 feet and up to 12 feet, if it were on a sharp turn, for
2 instance, what that means is that you're cutting sometimes a
3 good ways into the bank and you're left with a high cut on
4 the high slope side. That -- that cut needs to be managed
5 so that you won't have severe erosion at the cut. So what
6 that typically means is, just because of the physics of it
7 all, you need to have additional cutting at something like a
8 45-degree pitch for stability. So, in fact, you're -- you
9 are making some significant alterations to the terrain.

10 Q. And when you say, "significant," is it wide -- do
11 you wind up clearing and excavating an area wider than 9
12 feet or wider than 12 feet?

13 A. Yes.

14 Q. And that's because of dealing with the slope, et
15 cetera?

16 A. You want to create something that won't wash away,
17 that is sustainable. You don't -- you don't want to, for
18 instance, minimize the depth of that cut in a bank by a
19 means that has been tried before, by excavating less and
20 putting it over on the other side. What typically happens,
21 we found, is that that ends up compacting, eroding -- it
22 basically doesn't work to create a stable edge of the trail,
23 so you end up cutting further into the bank.

1 Q. And you were just showing me with your hands, so
2 let me see if I understand --

3 A. Excuse me.

4 Q. -- this. It was attempted to have less of a cut
5 into the side of the hill by taking dirt from the uphill
6 side, moving it to the downhill side and using that to make
7 the trail wider and leaving a steeper face on the uphill
8 side; is that correct?

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21 Q. So on -- in locations such as this, on the Class
22 II community connectors snowmobile trails, how wide do these
23 cuts end up being in order to properly accommodate the

1 A. Oh, are we talking bristle cone pine or are we
2 talking -- are we talking bristle cone pine or are we
3 talking poplars?

4 Q. Typical trees that would grow up in such a
5 situation in the Adirondacks.

6 A. In an opening like that, I imagine you would get
7 species that would range from slow growing hardwoods to fast
8 growing softwoods and poplar and birch, white birch. So
9 10 years to have saplings a few inches in diameter.

10 Q. And when you have a bench cut for a hiking trail,
11 how wide are they typically?

12 A. That depends on the class of the hiking trail. In
13 terms of DEC's hiking trails, I've been involved in
14 approving hiking trails in some locations, such as Split
15 Rock Wild Forest, where DEC did nothing much more than mark
16 trees and make very minimal ground alterations at one end of
17 this class spectrum. I forget how they're -- the exact
18 class -- classes are devised. I believe at the other end of
19 the spectrum, the term might be trunk trails in DEC's
20 classification scheme. Those trails, I think, can be up to
21 6 feet wide and, therefore, the benching would be rather
22 significant.

23 Q. But not as wide as the snowmobile trail?

1 A. Clearly not, no.

2 Q. Do you know which -- how many of these trunk
3 trails have you reviewed that you're referring to that are
4 up to 6 feet wide or more?

5 A. I don't think any.

6 Q. And how many smaller ones?

7 A. I think all that I have reviewed are smaller than
8 trunk trails, if that's what you mean.

9 Q. So all of the ones you've reviewed are less than
10 this 6-foot figure that you have given?

11 A. I believe so, yes.

12 Q. What's typical for the ones you've reviewed then?

13 A. I don't know their classification scheme, and I
14 cannot remember the particular class of most of these trails
15 as I have reviewed them.

16 Q. But are they two feet wide, three feet, four?

17 A. I'm virtually certain that most of the foot trail
18 review that I've done has involved foot trails with a tread
19 of approximately two to three feet.

20 Q. And, so, the bench cuts wouldn't be much more than
21 two or three feet for those trails?

22 A. Right.

23 Q. If there were bench cuts in the first place?

1 A. Right.

2 Q. Do snowmobile -- in your experience, do the Class
3 II community connectors snowmobile trails require greater
4 length of benching than hiking trails do?

5 A. By virtue of the need for greater width, yes.

6 Q. Could you explain what you mean by that?

7 A. If you're looking for only a one or two-foot tread
8 surface on a foot trail, very often you can, I believe,
9 count on the process that I referred to earlier, that the
10 benching, if it's a shallow slope, basically occurs by use
11 rather than a need for excavation. Whereas, when you have a
12 wider trail to put in, you -- you can't count on that,
13 particularly for a snowmobile, because they're on the ground
14 in wintertime, and you don't get the tread that -- the same
15 tread wear unless it's also used heavily. So I think -- I
16 think by -- by virtue of the greater width, you -- you need
17 to do more benching on shallower slopes than you do with a
18 foot trail.

19 Q. Substantially more?

20 A. Perhaps.

21 Q. With regard to hiking trails, you mentioned trunk
22 trails and you said you haven't reviewed any, but have you
23 -- you have been at APA for approximately 15 years now. Are

1 you aware has DEC built any of that type of trail in the
2 time you've been with APA?

3 MS. SIMON: Are we talking about trunk
4 trails?

5 MR. CAFFRY: Trunk trails.

6 MS. SIMON: Okay.

7 A. I remember when I first came on board the
8 Adirondack Mountain Club Pro Crew was cutting a trail in
9 Five Ponds Wilderness. I cannot remember exactly where it
10 was, but I believe it was the north/south route, and that
11 trail probably -- that could well have fit trunk trail
12 classification.

13 Q. You don't remember where it was exactly?

14 A. Not exactly, no. But it would have been around
15 2001, since Chuck Scrafford was still there and I was
16 working with him.

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14 BY MR. CAFFRY:

15 Q. Mr. Linck, earlier we were talking about Unit
16 Management Plans you had reviewed, and other than the ones
17 that involved the Gilmantown and Seventh Lake Mountain
18 trails. With regard to the Vanderwhacker Unit management
19 plan amendments, you had done early fieldwork on the Newcomb
20 to Minerva trail; is that correct?

21 A. Early fieldwork with Rob Ripp on some portions of
22 the trail, he had asked if I could help him look at some of
23 the initial ribbon lines in the woods and see if the -- if I

1 thought that this was basically a feasible route in these
2 locations.

3 Q. And did you do that with him?

4 A. I did that in a couple of locations, yes.

5 Q. And did that result in any changes to his route or
6 his ribbon line as you call it?

7 A. In a few locations we altered ribbon lines on
8 those sections.

9 Q. Can you explain what you mean by a ribbon line?

10 A. Before a route snowmobile trail is identified in
11 the field by painted trees to be cut, anything else, people
12 just walk the woods and lay out a rough course by hanging
13 flagging.

14 Q. Is that orange tape, basically?

15 A. It could be orange. Some people use blue,
16 whatever. And, so, it doesn't specifically identify the
17 exact route that will be cut, but it identifies a location
18 where it's likely to be.

19 Q. I'm going to show you Exhibit 35, again, which you
20 previously looked at. And do you see a pile of lumber in
21 that picture?

22 A. Yes.

23 Q. Do you see a tree next to it with some orange tape

1 or something on it?

2 A. Yes.

3 Q. Is that the type of thing you're talking about?

4 A. Yes. Although that would not have been for trail
5 layout in this picture.

6 Q. And, so, excuse me if you already said this
7 because I was thinking ahead, but you say when this ribbon
8 line is laid out, it's basically the middle of the trail?

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20 Q. But, so, the early ribbon line you're talking
21 about is a general trail route?

22 A. Some -- yeah, somewhere in here we can get a trail
23 in here.

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Q. And on the 12 miles, roughly, of the Seventh Lake Mountain Trail, do you know or have an estimate of how many miles that trail was graded?

A. No, I don't.

Q. Would that be reflected in the work plan, or is grading something that DEC would do without it being in the work plan?

1 A. I believe that grading should be adequately
2 reflected by current work plan process in the work plans,
3 because, typically, it is consisted of those things that
4 were mentioned; rock removal, hummock removal, stump removal
5 and bench cutting.

6 Q. And in your opinion, is it properly reflected in
7 the work plan? You said it should be. In your opinion, is
8 it?

9 MS. SIMON: Can I have a clarification
10 on what work plan we're talking about?

11 THE WITNESS: Yeah.

12 Q. Seventh Lake Mountain.

13 MS. SIMON: There was a lot of them.

14 MR. CAFFRY: All of them. They're
15 combined because the question was the whole 12
16 mile.

17 MS. SIMON: Okay.

18 A. In my opinion not adequately reflected but close.

19 Q. And in that it wasn't described everywhere it was
20 done or not, the descriptions weren't good enough or what
21 was it?

22 A. I can't say.

23 Q. And is grading something that is done in

1 construction of foot trails?

2 A. Again, I would consider grading to be an
3 inevitable part of the work in creating bench cuts which is
4 done more and more frequently now on foot trails.

5 Q. Is it done to the same extent for foot trails as
6 it is for snowmobile trails?

7 A. No.

8 Q. Can you -- do you have an order of magnitude
9 difference?

10 A. I would have to spend some time thinking about
11 that, but I think there's a significant difference.

12 Q. And is it your belief that grading causes an
13 adverse impact to the wild forest character of the forest?

14 A. Yes.

15 Q. When the grading -- when a trail is graded, what
16 happens to the understory of vegetation?

17 A. It's largely removed.

18 Q. What does it do to the duff layer of the ground or
19 of the soil?

20 A. It certainly disturbs it. Sometimes the duff
21 layer is removed and sometimes it's not. Sometimes,
22 depending on machinery used, it's quite heavily compacted,
23 sometimes not.

1 Q. And does that have an adverse effect, the
2 compacting or removing of duff layer?

3 A. Yes, I believe so.

4 Q. What type of effect? What is that effect?

5 A. Well, I can't -- I can't speak to a lot here, but
6 based -- based on my education and training, I believe that
7 it impacts the oxygen content in the soil; the physical
8 structure of the soil, the living creatures in the soil and
9 then, ultimately, that has certain physical and ecological
10 effects. It seems to me, for instance, that the drainage
11 capability is sometimes lost of the soil, so it holds more
12 water.

13 Q. What's the effect of holding more water?

14 A. A trail can become muddy and stay that way for
15 a long time, longer than you would expect if it had not been
16 impacted.

17 Q. And does doing this work with machinery create
18 greater impacts to the soil than doing it with hand tools?

19 A. I believe that, yes.

20 Q. And what causes the greater impact?

21 A. Primarily compaction.

22 Q. Due to the weight of the machinery?

23 A. I think so.

1 Q. And when bench cuts are made on hiking trails, are
2 those done with machinery or by hand?

3 A. Sometimes by machinery, sometimes by hand. I --
4 you know, are you talking about in the park --

5 Q. In the Adirondack Park?

6 A. In the Adirondack Park. I think mostly by hand,
7 but I -- I hesitate to say I know that.

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14 Q. You don't know if that was a hiking trail or not?

15 A. No.

16 Q. During the construction of the Seventh Lake
17 Mountain Trail, did you have any other concerns other than
18 the ones you've discussed already today about the
19 construction not conforming to the 2009 Guidance?

20 A. Yes, I had other concerns.

21 Q. Can you tell us what they were?

22 A. They were some related to process. There was
23 one -- I think two other instances when work proposed in a

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1/17

1 that you were -- in what stage you were doing in the
2 construction process?

3 A. I think the construction of the wetlands
4 structures, the wetland crossing structures was entirely
5 completed. I don't remember exactly when I took the
6 photographs, no. It looks like late summer, which would
7 make sense. Well, I don't know. Yeah, probably late
8 summer. I don't know.

9 Q. Looking at the fourth photo in that package -- so
10 would it be your understanding that these photographs were
11 produced by you to your attorney for the discovery process
12 in this case?

13 A. I think so, yes.

14 Q. And looking at the fourth photo, which is number
15 3475 --

16 A. Uh-huh.

17 Q. -- can you tell me what those objects on the
18 ground are, just the -- actually, in the foreground, is that
19 a snowmobile bridge?

20 A. Yes, it is.

21 Q. And what are the objects on the ground just above
22 there?

23 A. Those are chunks of logs cut by DEC staff, I

1 presume, to clear the area so they could construct the
2 bridge.

3 Q. And is that the type of thing one would normally
4 expect to see in a -- in the Forest Preserve in a natural
5 setting?

6 A. Not in a natural setting, no.

7 Q. Are you aware if people had been altering the
8 terrain, shall we say, or altering the forest?

9 A. Yes.

10 Q. And, likewise, the next picture, number 3476,
11 could those also be logs that DEC cut and discarded?

12 A. Yes.

13 Q. And 3477, same thing?

14 A. Yes.

15 Q. And 3478 to 82?

16 A. Yes.

17 Q. And does the discarding of cut logs such as this
18 affect the wild forest nature of the woods here?

19 MS. SIMON: I'm going to make an
20 objection here, and make a blanket objection to
21 every reference and question made to the wild
22 forest character of the Forest Preserve in and to
23 the extent it is a legal term used in the

1 decisions -- a few decisions there are on the
2 Forest Preserve, but I'm not going to object to
3 him answering the question. So, to the extent
4 you're asking for a legal opinion, I object, but
5 if you're asking him based on his experience on
6 wild forest issues, we can go forward.

7 MR. CAFFRY: I'm just asking.

8 MS. SIMON: I understand. I'm just
9 stating my objection for the record.

10 MR. CAFFRY: Would you read the question
11 back, please?

12 (The reporter read back the requested
13 portion of the record)

14 A. In my opinion, yes.

15 Q. And, adversely or positively?

16 A. In my opinion, certainly adversely with respect to
17 aesthetics. It may well be that ecologically there's an
18 adverse impact, but I can't characterize it.

19 Q. And looking at number 3482, do you see a number of
20 stumps in the midground of that photograph?

21 A. I think so, yes.

22 Q. Would those be stumps from trees that DEC has cut
23 down as part of this construction process?

1 A. I think they were cut down as part of the
2 construction progress -- process, yes.

3 Q. And would that adversely affect the wild forest
4 character of the area?

5 A. In my opinion, yes.

6 Q. Aesthetically?

7 A. Aesthetically, possibly ecologically.

8 Q. Looking at photograph number 3483, do you see
9 that?

10 A. I'm sorry, I'm having a hard time finding the
11 number.

12 Q. The one between 82 and 84. I had a hard time
13 finding the number --

14 A. Oh, I got it. Okay. Yes, I see it.

15 Q. Okay. And on the bottom of the picture, if you're
16 holding it crossways or, I guess, depends on which way, on
17 the one side, is that a snowmobile bridge of some sort?

18 A. We would call that a boardwalk.

19 Q. Was that built by DEC as part of the snowmobile
20 trail construction?

21 A. Yes.

22 Q. And do you see an object to the right of that
23 boardwalk, appears to be a piece of lumber?

1 A. Yes.

2 Q. Is that part of the structure or is that
3 discarded?

4 A. It's a discarded scrap.

5 Q. And is that something one would find in a natural
6 wild forest setting?

7 A. No.

8 Q. And looking at photo number -- this one.

9 MS. SIMON: Can you read it into the
10 record, if you could?

11 A. It ends with 35.

12 Q. Is that 85 perhaps? There it is. Three --

13 MS. SIMON: What's the next one, maybe
14 you can do it that way? Not much better.

15 A. Page six.

16 MS. SIMON: So this must be 85.

17 Q. This one ends with 85. Three something 85?

18 A. Yes.

19 Q. You can't make out the second figure?

20 MS. SIMON: I think it might be three
21 four, but that's what the rest of them are.

22 Q. Can you tell me what that photograph depicts?

23 A. That depicts an area of this same construction and

1 blue ribbon, which was used to demarcate the wetland. Pink
2 ribbon, which I'm not sure what that marks in this case, and
3 then other treated lumber scraps.

4 Q. Do they appear to have been discarded by DEC?

5 A. Temporarily, yes.

6 Q. Do you know -- when you say "temporarily," did you
7 see DEC pick them up?

8 A. DEC -- it's my understanding that all treated
9 lumber scraps and log chunks that were discarded here were
10 finally picked up, removed from this setting as part of the
11 permit conditions for the bridge construction.

12 Q. Do you know if that was actually done?

13 A. I don't know if every single scrap and chunks was
14 removed, but if not every single one, then virtually every
15 single one.

16 Q. When you say, "log chunks," you're saying they
17 picked up all of the logs next to the trail, for instance,
18 the ones that you testified about a little earlier?

19 A. Yes. As a permit condition, the discarded short
20 and long log chunks that we see photographed here were
21 eventually removed, to my knowledge. The reason I was
22 photographing them was that I was surprised to find them
23 there, because I understood it would be a permit condition

1 that they would eventually be removed, and then, my
2 understanding is that through final investigation by others
3 and not me, as I said, all or virtually all of these log
4 chunks and scraps have been removed.

5 Q. Do you know where they were removed to?

6 A. No, I don't.

7 Q. Were they removed from the Forest Preserve?

8 A. Oh, I doubt that very much. Typically, they are
9 walked off into the woods a short distance and scattered.

10 Q. So even if they are not next to the trail anymore,
11 is it your belief that they would be nearby lying in the
12 woods still?

13 A. In the woods but not in a wetland.

14 Q. And what about -- were you -- when you say the
15 chunks were removed, and you think virtually all of them
16 were, was that only in the wetland or for the entire 12-mile
17 length of the Seventh Lake Mountain Trail?

18 A. For the rest of the trail log chunks, saplings,
19 brush that was cut, was typically, at least everywhere I
20 saw, hauled off to the side, some short distance into the
21 woods, cut and scattered. Here, I'm not sure.

22 but what we were
23 insisting on was that they were removed and not left

1 anywhere in the flagged wetland.

2 Q. But you're saying that was also done elsewhere,
3 not just in wetlands?

4 A. Elsewhere they were taken off the trail a short
5 distance, yes.

6 Q. And -- but they're still just lying out there in
7 the Forest Preserve?

8 A. Yes.

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1 Exhibit 37 on 1/28/15, which is a packet of several photos.
2 Can you tell us what the first one is numbered?

3 A. Ends with 02425.

4 Q. And does the first one depict a snowmobile trail
5 bridge?

6 A. I don't recognize the bridge but, yes, I believe
7 so.

8 Q. And understanding that you don't recognize the
9 particular bridge, is that the type of -- illustrative of
10 the type of thing that you were just talking about with sign
11 posts and such on bridges?

12 A. Yes.

13 Q. And, what types of signs, if any, are visible on
14 that -- in that photograph?

15 A. Square reflective signs with black and white
16 strips.

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MS. SIMON: Objection to the term
"man-made setting" without a definition. If it's
a legal question --

MR. CAFFRY: It not a legal question.

1 Q. I'm asking where you would typically find this?

2 A. I would not expect to find this while wandering
3 through the wild forest, no.

4 Q. Turning to the next page on -- in this exhibit, is
5 that also the type of thing you were discussing?

6 A. Yes.

7 Q. And is that -- it shows a snowmobile bridge with
8 various signs?

9 A. Yes.

10 Q. And what type of signs does it show?

11 A. Oh, a similar set of signs at the -- on the post
12 at the beginning of the bridge. In the photograph, in the
13 very forefront, florescent orange sign with white diamonds.
14 I don't -- I don't know what that means. It's probably a
15 danger sign. And then, the snowmobile trail marker, that is
16 the DEC snowmobile marker of the latest variety.

17 Q. And if we turn to the next page at the bottom --
18 is there a number on that page?

19 A. There is a number 02433.

20 Q. And what -- is that also a picture of a snowmobile
21 trail bridge?

22 A. Yes, this one with rails.

23 Q. And what -- are there signs in the picture?

1 about the bridges in the Gilmantown wild --
2 Gilmantown Trail and the bridges there, and posts
3 there, is this the type of thing you were
4 concerned about as depicted in this picture?

5 MS. SIMON: Okay.

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15 Q. And what types of signs and posts do you see in
16 this picture?

17 A. I see metal signs and metal posts.

18 Q. Is that the type of thing you would expect to find
19 in a natural area of a wild forest?

20 A. Where there is no construction, yes. Where there
21 is construction, then, I guess it depends on which forest
22 I'm in and what trail and...

23 Q. Is that something that would be there absent a

1 snowmobile trail bridge?

2 A. Road bridges, snowmobile trail bridges, yes.

3 Other bridges, probably not.

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1 A. I'm quite certain that stands for dead.

2 Q. And that the --

3 A. Oh, yes, yes, it says up above, it stands for
4 dead.

5 Q. And, why -- do you know why DEC would tally trees
6 as being dead separately from trees that were not dead?

7 A. I don't know -- I don't know the reason for the
8 establishment of that practice.

9 Q. Do you -- does it make -- would it make any
10 difference in your review or approval of such -- of a plan
11 like this of whether the trees were alive or dead?

12 A. Not likely, no.

13 Q. To your knowledge, are -- do dead trees serve an
14 ecological function in the forest?

15 A. Yes, I know they do.

16 Q. And is that a -- can you tell us what that
17 function is?

18 A. I would imagine, I mean, I believe there are
19 multiple functions.

20 Q. Can you tell us what they are?

21 A. Habitat for various plants and animals, includes
22 providing, essentially, a food source for certain animals in
23 the way of some of those animals that inhabit those

1 locations, like aunts or food for other animals. They
2 contribute to the ecological diversity of a forest while
3 they're standing and while they're on the ground.

4 Q. And, while what?

5 A. While they're on the ground afterwards.

6 Q. After they fall down?

7 A. After they fall down.

8 Q. So even while they're dead and standing, you say
9 they convert -- contribute to the ecological diversity?

10 A. Sure.

11 Q. So dead trees provided a viable function to the
12 forest, is that -- would that be fair to say?

13 A. Yes.

14 Q. So did DEC ever tell you why they categorized dead
15 trees separately from live trees on these tally -- on this
16 tally?

17 MS. SIMON: I think that was asked and
18 answered; wasn't it? You said why, and he said,
19 he don't know the reasons.

20 A. I don't know why they decided to count them, and I
21 don't know why they've decided to designate them separately
22 in their tree counts.

23 Q. And, to your knowledge, aside from this particular

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Q. What are the biggest changes you've observed in the Seventh Lake Mountain Trail before it was cut and now that it is completed in the area occupied by the trail?

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A. Besides the fact that it is a cleared path or swath through the forest, the most significant impacts are the -- to me, are the esthetic impacts of the large and many bridges, and areas of the trail that are still soft, infirm, muddy, haven't hardened up completely yet.

Q. And are the bridges you described, are they larger

1 or smaller than a typical foot-trail bridge?

2 A. They are much larger than a typical foot-trail
3 bridge.

4 Q. Why is that?

5 A. Because they are the design the department uses
6 primarily because of engineer input concerning how strong
7 they need to be.

8 Q. And does that have to do with the weight of the
9 snowmobiles and the grooming machines?

10 A. I've asked that question and I have been told by
11 DEC, no, that it has -- has to do not with the weight of the
12 groomer and snowmobiles, but that they have designed them
13 for the weight of --

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MS. SIMON: Objection.

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A. I'm sorry, that's what I've been told.

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MR. CAFFRY: Off the record.

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(Off the record)

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MR. CAFFRY: Well, back on the record.

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BY MR. CAFFRY:

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Q. Is it your understanding that the Class II

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community connector snowmobile trails will be groomed with

1 mechanical grooming machines?

2 A. They are, and they will be, yes.

3 Q. Do you know whether or not the process of grooming
4 with these machines can damage the vegetation outside of the
5 9 to 12-foot-wide corridor that was cleared for the trail?

6 A. They -- they can. They -- if the trail is hard to
7 maneuver in with a grooming machine apparatus, and the turn
8 is tight, and the trail hasn't been cut to 12-foot width,
9 say adequately, then the base of trees can be damaged
10 through repeated nicking and bashing from the groomer.

11 Q. It's your opinion that would only occur if the
12 trail wasn't cut wide enough?

13 A. Given what I understand to be DEC's current
14 restrictions on the size of tracked groomers, that may be
15 used on Class II trails, there are no trail segments that
16 need to be cut any wider than 12 feet.

17 Q. And what's their restriction on the size of the
18 groomer that you just mentioned?

19 A. You will have to ask DEC. I went over that with
20 them years ago. I was assured that this is something that
21 is now part of their contractual arrangements with
22 snowmobile clubs and local governments. And I have found,
23 for instance, at Raquette Lake, that they cannot and they

1 will not, at Raquette Lake, use that large groomer on the
2 Seventh Lake Mountain Trail, because they cannot maneuver
3 those turns with a machine that large, and DEC insists to
4 them, I've been told, that we will not be cutting that trail
5 wider to accommodate that machine.

6 Q. So they -- so they use a drag on it?

7 A. So I -- yes, they use a snowmobile with a drag
8 rather than a groomer with a drag.

9 Q. And, to your knowledge, does the use of grooming
10 machines have any impact on the trail surface or for soil
11 compaction or anything like that?

12 A. Can you repeat that?

13 Q. To your knowledge, does the use of these grooming
14 machines affect the surface of the trail, not the snow, but
15 the dirt beneath the snow or cause soil compaction or
16 anything like that?

17 A. Generally not. However, at the shoulders of
18 the -- the -- well, the early part of snowmobile season,
19 early part of the winter and late part of the winter, if the
20 trail is in use when the snow pack is inadequate, then -- in
21 other words, the trail use has not been shut done
22 administratively, then you can have impacts to the soil and
23 the ground, surface of rocks, such as this sort of thing you

1 see here in this one exhibit, Exhibit 6.

2 Q. That's on the first page, number 1879?

3 A. Right.

4 Q. Okay. Could you describe what you're referring to
5 there in the picture?

6 A. What I'm referring to is very limited snow cover
7 and a trail that appears to still be in use by snowmobiles,
8 and wet areas and areas that have no snow, being eroded,
9 essentially, mucked up by the use of those machines.

10 Q. And does the type of erosion or mucking up you
11 just described, does that have an adverse impact on the
12 Forest Preserve?

13 A. I think so, yes.

14 Q. And what is that impact?

15 A. Well, there's a certain amount of erosion, that
16 inevitably it occurs in locations like this, where after a
17 rain event, you know, this muddy area will -- will be
18 carried off wherever the drainage leads it. I suppose
19 that's primarily it.

20 Q. And I think this is the last line of questions
21 regarding the Seventh Lake Mountain Trail. Once the trail
22 was constructed, was the wild forest nature of the trail
23 corridor, was that altered?

STATE OF NEW YORK
SUPREME COURT

ALBANY COUNTY

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner,

**EXAMINATION BEFORE
TRIAL TRANSCRIPT
CORRECTION SHEET**

INDEX NO. 2137-13

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.

**CORRECTIONS TO TRANSCRIPT OF EXAMINATION
BEFORE TRIAL OF WALTER W. LINCK
HELD ON NOVEMBER 16, 2015**

Page <u>4</u>	Line <u>18</u>	<u>Insert "air" between "level" and "space".</u>
Page <u>5</u>	Line <u>3</u>	<u>Change "tract" to "track".</u>
Page <u>5</u>	Line <u>18</u>	<u>Change "manager" to "management".</u>
Page <u>5</u>	Line <u>23</u>	<u>Delete "the" and "corridor" from first sentence fragment, and insert "Remsen to" between "from" and "Lake Placid".</u>
Page <u>6</u>	Line <u>21</u>	<u>Insert hyphen between "one" and "week".</u>
Page <u>7</u>	Line <u>8</u>	<u>Change "formerly" to "formally".</u>
Page <u>7</u>	Line <u>11</u>	<u>Change "Carhartt" to "Carhart".</u>

Page <u>7</u> Line <u>16</u>	<u>Change "Americor" to "Americorps".</u>
Page <u>8</u> Line <u>14</u>	<u>Insert "known" between "impacts" and "as".</u>
Page <u>9</u> Line <u>11</u>	<u>Change "Americor" to "Americorps".</u>
Page <u>9</u> Line <u>12</u>	<u>Change "makers" to "members".</u>
Page <u>9</u> Line <u>21</u>	<u>Insert "It" before "Was" and change "Was" to "was".</u>
Page <u>9</u> Line <u>22</u>	<u>Capitalize "e" in "expedition".</u>
Page <u>10</u> Line <u>2</u>	<u>Change "Americor" to "Americorps".</u>
Page <u>12</u> Line <u>14</u>	<u>Add comma after "adoption," delete comma after "trails" and change "suppose" to "supposed".</u>
Page <u>12</u> Line <u>20</u>	<u>After "2009," insert "I've".</u>
Page <u>15</u> Line <u>10</u>	<u>Change "John" to "Jon".</u>
Page <u>15</u> Line <u>17</u>	<u>Change "place" to "places".</u>
Page <u>15</u> Line <u>20</u>	<u>Change "Kavanaugh" to "Cavanaugh".</u>
Page <u>17</u> Line <u>21</u>	<u>Change "Is" to "It's".</u>
Page <u>18</u> Line <u>14</u>	<u>Change "complaint" to "complaints".</u>
Page <u>18</u> Line <u>17</u>	<u>Change "Kavanaugh" to "Cavanaugh".</u>
Page <u>22</u> Line <u>10</u>	<u>Change "sighting" to "siting".</u>
Page <u>23</u> Line <u>4</u>	<u>Insert "Lake" between "Seventh" and "Mountain".</u>
Page <u>23</u> Line <u>8</u>	<u>Change "re-rooting" to "re-routing".</u>
Page <u>23</u> Line <u>21</u>	<u>Delete comma and space after "probably".</u>
Page <u>24</u> Line <u>18</u>	<u>Change "matter" to "mattered".</u>
Page <u>24</u> Line <u>19</u>	<u>Insert "the trail was" between "wide" and "in".</u>
Page <u>24</u> Line <u>22</u>	<u>Change comma after "cut" to semicolon.</u>
Page <u>25</u> Line <u>2</u>	<u>Change "count" to "counts".</u>
Page <u>25</u> Line <u>3</u>	<u>Insert "[trails]" between "their" and "width".</u>
Page <u>25</u> Line <u>10</u>	<u>Delete "the tree".</u>

Page <u>52</u>	Line <u>12</u>	<u>Delete comma after "therefore" and insert "/" (backslash) between "growth" and "vegetation".</u>
Page <u>54</u>	Line <u>18</u>	<u>Insert hyphen between "walk" and "behind", insert "type," (incl. comma) between "behind" and "to".</u>
Page <u>57</u>	Line <u>7</u>	<u>Change "that" to "then".</u>
Page <u>60</u>	Line <u>17</u>	<u>Insert "the" between "that" and "Essex".</u>
Page <u>71</u>	Line <u>14</u>	<u>Change "fit" to "fits".</u>
Page <u>72</u>	Line <u>8</u>	<u>Change "obvious" to "obviously".</u>
Page <u>80</u>	Line <u>16</u>	<u>Change "sighting" to "siting".</u>
Page <u>81</u>	Line <u>8</u>	<u>Change "suppose" to "supposed".</u>
Page <u>85</u>	Line <u>22</u>	<u>Change "Jim Steggemann" to "Bob Stegemann".</u>
Page <u>89</u>	Line <u>19</u>	<u>Insert "/" (backslash) between "of" and "spreading".</u>
Page <u>90</u>	Line <u>11</u>	<u>Add comma after "Trail".</u>
Page <u>92</u>	Line <u>3</u>	<u>Change "service" to "surface".</u>
Page <u>92</u>	Line <u>4</u>	<u>Change "rational" to "rationale".</u>
Page <u>92</u>	Line <u>7</u>	<u>Change comma after "launch" to semicolon.</u>
Page <u>92</u>	Line <u>12</u>	<u>Change "starts" to "start".</u>
Page <u>92</u>	Line <u>14</u>	<u>Delete comma after second use of "was" and replace it with dash.</u>
Page <u>97</u>	Line <u>6</u>	<u>Change "Spota" to "Spada".</u>
Page <u>99</u>	Line <u>10</u>	<u>Insert "for a" between "route" and "snowmobile".</u>
Page <u>99</u>	Line <u>11</u>	<u>Insert "or by" between "cut," and "anything".</u>
Page <u>103</u>	Line <u>9</u>	<u>Delete comma after "department" and insert "of" between "department" and "environmental".</u>
Page <u>105</u>	Line <u>7-8</u>	<u>Decapitalize "Old Woods Road" to "old woods road".</u>
Page <u>105</u>	Line <u>15</u>	<u>Change "gulf" to "golf".</u>
Page <u>105</u>	Line <u>20</u>	<u>Insert "if" between "know" and "it's".</u>

Page <u>106</u> Line <u>8</u>	<u>Change comma after "amendment" to semicolon.</u>
Page <u>106</u> Line <u>9</u>	<u>Change "on" to "onto".</u>
Page <u>106</u> Line <u>17</u>	<u>Change "math" to "map".</u>
Page <u>106</u> Line <u>18</u>	<u>Insert "it" after "through" and before period.</u>
Page <u>107</u> Line <u>3</u>	<u>Change "MacNamara" to "McNamara".</u>
Page <u>107</u> Line <u>11</u>	<u>Change "UMP's" to "UMP" (singular).</u>
Page <u>107</u> Line <u>11</u>	<u>Change "Grass" to "Grasse"</u>
Page <u>107</u> Line <u>15</u>	<u>Change "UMP's" to "UMP" (singular).</u>
Page <u>109</u> Line <u>19</u>	<u>Change "site" to "sight".</u>
Page <u>109</u> Line <u>21</u>	<u>Change "Though" to "So..." and change comma after "used" to semicolon.</u>
Page <u>110</u> Line <u>7</u>	<u>Change "site" to "sight".</u>
Page <u>110</u> Line <u>14</u>	<u>Change "site" to "sight".</u>
Page <u>110</u> Line <u>16</u>	<u>Change "site" to "sight".</u>
Page <u>110</u> Line <u>19</u>	<u>Change "site" to "sight".</u>
Page <u>111</u> Line <u>11</u>	<u>Change "depended" to "dependent".</u>
Page <u>112</u> Line <u>9</u>	<u>Insert "by APA" after "made" at end of sentence.</u>
Page <u>117</u> Line <u>11</u>	<u>Insert parentheses around the phrase "of the soil".</u>
Page <u>118</u> Line <u>12</u>	<u>Change "switches" to "witches".</u>
Page <u>120</u> Line <u>8</u>	<u>Insert "a" before "major".</u>
Page <u>122</u> Line <u>17</u>	<u>Change "MacNamara" to "McNamara".</u>
Page <u>126</u> Line <u>21</u>	<u>Decapitalize "Old Woods Road" to "old woods road".</u>
Page <u>126</u> Line <u>22</u>	<u>Change "and" to "who".</u>
Page <u>127</u> Line <u>1</u>	<u>Insert comma after "existing" and change "bench" to "benched".</u>
Page <u>127</u> Line <u>3</u>	<u>Delete comma after "in" and replace it with dash.</u>

Page <u>130</u> Line <u>5</u>	<u>Delete "sections" OR insert "of" between "sections" and segments".</u>
Page <u>132</u> Line <u>2</u>	<u>Insert "are" between "shrubs" and "generally".</u>
Page <u>132</u> Line <u>4</u>	<u>Change "forbes" to "forbs"; delete comma after "shrubs" and replace it with ellipsis.</u>
Page <u>133</u> Line <u>18</u>	<u>Change "one" to "one's".</u>
Page <u>134</u> Line <u>12</u>	<u>Change "I looked" to "it looks".</u>
Page <u>144</u> Line <u>8</u>	<u>Change "remembered" to "remember".</u>
Page <u>146</u> Line <u>1</u>	<u>Capitalize "division".</u>
Page <u>146</u> Line <u>2</u>	<u>Capitalize "water", change "specialists" to "specialist", change "SWIPs" to "SWPPPs" delete comma after "SWIPs" and replace it with ellipsis.</u>
Page <u>146</u> Line <u>3</u>	<u>Delete comma after "impacts" and replace it with ellipsis.</u>
Page <u>148</u> Line <u>11</u>	<u>Insert "was" at beginning of line before first use of "told" and delete "it was" before second use of "told".</u>
Page <u>149</u> Line <u>1</u>	<u>Delete comma after "trail" and replace it with period. Capitalize "whereas".</u>
Page <u>149</u> Line <u>2</u>	<u>Delete period and replace it with comma. Decapitalize "There".</u>
Page <u>150</u> Line <u>20</u>	<u>Change "a" to "an".</u>
Page <u>151</u> Line <u>12</u>	<u>Change comma after "writing" to semicolon.</u>
Page <u>152</u> Line <u>16</u>	<u>Change "strips" to "stripes".</u>
Page <u>155</u> Line <u>12</u>	<u>Delete comma after "signage" and replace it with "/" (backslash). Change second use of "signage" to "signs -", change "that are" to "their", insert "and" between "construction" and "appearance", replace period after appearance with a dash.</u>

Page <u>155</u> Line <u>13</u>	<u>Decapitalize "How".</u>
Page <u>160</u> Line <u>23</u>	<u>Insert dash between "Trail" and "before".</u>
Page <u>163</u> Line <u>14</u>	<u>Insert "a" between "that" and "Bobcat".</u>
Page <u>164</u> Line <u>10</u>	<u>Change "scope" to "scoop".</u>
Page <u>169</u> Line <u>21</u>	<u>Delete comma after "animals" and replace it with colon.</u>
Page <u>169</u> Line <u>22</u>	<u>Delete "in".</u>
Page <u>169</u> Line <u>23</u>	<u>Delete "the way of some of those animals".</u>
Page <u>170</u> Line <u>1</u>	<u>Delete comma after "locations" and replace it with dash. Change "aunts" to "ants".</u>
Page <u>173</u> Line <u>1</u>	<u>Delete comma after "changed" and replace it with dash.</u>
Page <u>173</u> Line <u>4</u>	<u>Insert "I'm" between "comprehensively," and "sure".</u>
Page <u>173</u> Line <u>9</u>	<u>Insert dash between "snowmobiles" and "is".</u>
Page <u>173</u> Line <u>10</u>	<u>Insert comma after "lost".</u>
Page <u>173</u> Line <u>17</u>	<u>Insert comma after "change".</u>
Page <u>173</u> Line <u>18</u>	<u>Insert comma after "changes".</u>
Page <u>174</u> Line <u>7</u>	<u>Change "results" to "result".</u>
Page <u>174</u> Line <u>8</u>	<u>Change "discovery" to "discover".</u>
Page <u>174</u> Line <u>12</u>	<u>Change "appears" to "appear".</u>
Page <u>175</u> Line <u>11</u>	<u>Delete comma after "no" and replace it with dash.</u>
Page <u>177</u> Line <u>22</u>	<u>Delete comma after "administratively" and replace it with dash.</u>
Page <u>181</u> Line <u>7</u>	<u>Delete comma after "true" and replace it with dash.</u>

Walter W. Linck

Walter W. Linck

Sworn to before me this 8th
day of January, 2016.

Mary B. Palmer
NOTARY PUBLIC
(Affix stamp or seal)

MARY B. PALMER
Notary Public - State of New York
Qualified in Franklin County
No. 01PA6128439
Commission Expires, June 13, 2017