SUPPORTING DEPOSITION CPL Section 100.20

STATE OF NEW YORK COUNTY OF ESSEX TOWN OF WILMINGTON

I, <u>HANNA Q. CROMIE</u>, DOB: following allegations of fact which are based: on direct knowledge and on information and belief: I am giving this statement to ECO LaCroix at my own free will. I am employed at Adirondack Wildlife Refuge as a general manager. On March 29, 2019 at approximately 9:00am I went with Chris Mattern to check on the 2 bears at the refuge that are considered permanent residents. The names of the 2 bears are Luvey and Ahote. When I got to the den, I noticed the bears weren't there. They did not come to us when I called them, and they usually go into the den when they hear our voice. Chris went up on the observation deck and I went behind the den. In the patch of snow behind the den, I saw fresh bear tracks. I asked Chris if he could see the bears and he said no. Chris went into the enclosure to see if the bears were there and confirmed they were not inside the bear enclosure. I started following the tracks out to the drive way but lost them when I got to the driveway. I then walked around the refuge to try and find the tracks again but couldn't find them. When I got back to the top of the refuge. Steve Hall, Chris and Don Tourtellot were talking. Steve was aware that the bears were missing. We were trying to figure out what to do. Don went into the woods to try and find the tracks and I stayed at the edge of the driveway. Don found the tracks again and yelled to me. Don and I tracked the bears to Springfield Road and lost them for a while. We picked the tracks back up again on the opposite side of Springfield Road. Don and I kept tracking them to Hardy Road. While we were tacking them, Chris joined us. The three of us tracked them to Hardy Road. Tracking them took us all afternoon. Steve picked us up on Hardy Road late afternoon and brought us back to the refuge. After that I left the refuge and went to Plattsburgh. On March 30, 2019 I went back to the refuge at around 8am for work. I met with Steve Hall when I got to the refuge and told him that Chris and I wanted to go back to Hardy Road and look for the bears. Steve basically said he wanted to meet and figure out what our story was going to be. I went back out to my truck and waited for Chris to get to the refuge. I don't really remember what happened after that, but I went to go drive the loop from Springfield Road, Hardy Road, Route 86 and back to Springfield Road. While I was on the loop. Steve called me and said I needed to come back to the refuge. I drove back to the refuge and spoke with Steve and Chris. When we were all talking. Steve decided he wanted to pull one of the trees over to make it look like that was how the bears got out of the enclosure. Chris and I were not happy with this, but it was clear that Steve was not going to let us go back out till we took care of the tree first. Chris, Don, John TeNyenhuis, and I used a ratchet strap to pull the tree down and break it. Steve Hall told us to do this. Steve wanted the tree pulled up by the roots, but it broke when we were pulling on it with the ratchet strap. Steve saw this and said it looked fine. Once that was done we went back over to Hardy Road and started looking for the bears again. At some point when we were in the woods looking for the bears on Hardy Road, Steve called you and said DEC was coming with some bear traps. I regret that I didn't call the DEC from the get go. I

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

*Sworn to before me on this 30th day of March, 2019.

(SIGNATURE)

(SUBSCRIPTION OF DEPONENT)

*(NOTE) This form need be sworn only if court specifically requires oath.

41-15-44 (2/87)-28c SUPPORTING DEPOSITION Section 100.20 CPL

New York State Department of Environmental Conservatio 51 Division of Law Enforcement

EXHIBIT

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STATE OF NEW YORK			/ /
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County of Essex	-		
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NOTICE: False statements made herein are pr	mishable as a Class A mis	sdemeamor purs	suant to Section 210.45
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*Sworn to before me this			
day of March 20-19	<u> </u>	1 111	
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(SIGNATURE)	2/20	(SUBSCRIPTION OF I	
(TITLE)		(DATE)	
*NOTE: This form need be sworn only if court specifically re	equires oath.		

SUPPORTING DEPOSITION CPL Section 100.20

Fred . 7

New York State Department of Environmental Conservation Office of Public Protection

STATE OF NEW YORK COUNTY OF ESSEX TOWN OF WILMINGTON

state the I. DONALD J TOURTELLOT, DOB: following allegations of fact which are based: on direct knowledge and on information and belief: I am giving this statement to ECO LaCroix on my own free will. On Friday March 29, 2019 I got to work at the Adirondack Wildlife Refuge at around 9 o'clock in the morning. Steve Hall approached me and said that we had an issue and the bears had gotten out and there was no sign of them. The bears that got out were Luvey and Ahote which are the resident bears. I went into the woods around the refuge to attempt to find tracks. Hanna, Chris and I end up finding some tracks that crossed over Springfield Road, and then we continued to follow them for about a mile to Hardy Road and that's where we lost the track. After that we went back to the refuge at around 4 o'clock. When we got back to the refuge, Steve told us to repair spots in the enclosure with tin sheeting. Chris, Hanna, and I put two tin panels up in the bear enclosure to cover any sign of where they may have climbed out. On Saturday March 30, 2019 at approximately 9:00am Steve told Chris, Hanna, John Tenvenhuis, and I to pull down a tree in the enclosure on the wall as a sign of the bear climbing out on the tree. It took us a couple hours to pull the tree down with a rope and rachet strap. The tree snapped and fell down on the enclosure wall. Steve then came over and said that's perfect. After that all four of us including Alex Hall went out again in the woods to continue tracking the bears. We returned around 3pm and that's when DEC was

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law

*Sworn to before me on this 1st day of April, 2019.

SIGNATURE)

*(NOTE) This form need be sworn only if court specifically requires oath.

41-15-8 (9/90)-10a

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF LAW ENFORCEMENT

EXHIBIT 53

VOLUNTARY STATEMENT

STATE: // CW //OCK	
COUNTY FSSLY	
CITY OR TOWN	
DATE 04/01/19 TIME /415	MS PLACE ADK Wildite Range
and my address is 977 Spring Field	being duly sworn, am 47 years of age
	ee of Education Callege
Occupation <u>MUSE</u> , <u>Middle French Littles</u> Degree	0 1 (()
, / ^	nent is herein made. Without promise or hope of reward, that I can have a lawyer, but I expressly waive all my
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Both hears were Spayed.	
We have left food in have a hea	nt traps, and been Seandure for all
homs Since the occurance.	Their 1
the facts contained therein are true and correct. I also h	read this statement consisting of page(s) and
be held against me in a court of law.	Signed By: Naul B Wall
	Page of
	this 15+ day of 4000 19019
Subscribed and sworn before me	IIIIS and Uay OI

EXHIBIT 54.

VOLUNTARY STATEMENT

STATE:	
COUNTY ESSEX	
CITY OR TOWN Wilargton	and the second to be
DATE 4-1-19 TIME 3:	PLACE WILDLIKE REFU
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	Wilmugton, NY 17997 (some As Aun
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I have been duly warned byECO Deff	frey / Hovey, who has identified
	onservation police attice-
me on the trial for the offense concerning which this stat without fear or threat of physical harm. I have been to rights to counsel before freely giving the following sta	at any statement I make may be used in evidence against tement is herein made. Without promise or hope of reward, old that I can have a lawyer, but I expressly waive all my atement to the aforesaid person. Ariday Night, while we slept
in the residence down below. I	
	wich telly toppled a thin hard wow
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the facts contained therein are true and correct. I also be held against me in a court of law.	we read this statement consisting of page(s) and be have been told that swearing to a false statement can
Witness ECOlethey 1- /lan	Signed By:
Witness:	Page of
	this = 15+ day of Arri 19019
Subscribed and sworn before me	

Huyck, Brian (DEC)

From:

Darrah, Daniel (DEC)

Sent:

Thursday, April 04, 2019 9:02 AM

To:

Huyck, Brian (DEC); Phelps, Michael R5 C (DEC) Fwd: Our statement to Jeff about the bear escape

Subject:

We will all talk later.

Begin forwarded message:

From: "Hovey, Jeffrey P (DEC)" < jeffrey.hovey@dec.ny.gov>

Date: April 4, 2019 at 08:43:32 EDT

To: "Darrah, Daniel (DEC)" < daniel.darrah@dec.ny.gov Subject: Fwd: Our statement to Jeff about the bear escape

Captain

Please see attached.

Sent from my iPhone

Jeffrey P. Hovey

ECO, NYS ENCON Police

New York State Department of Environmental Conservation

115 NYS Route 86, PO Box 296, Ray Brook, NY 12977

P: 518-897-1326 | C: 518-354-9014 | jeffrey.hovey@dec.ny.gov

24/7 Dispatch Center 1-844-DEC-ECOS

www.dec.ny.gov

Begin forwarded message:

From: Adirondack Holiday <a dirondack.holiday@yahoo.com>

Date: April 3, 2019 at 17:41:55 EDT

To: "jeffrey.hovey@dec.ny.gov" <jeffrey.hovey@dec.ny.gov>
Subject: Fw: Our statement to Jeff about the bear escape

Reply-To: Adirondack Holiday <a dirondack.holiday@yahoo.com>

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown send unexpected emails.

Steve & Wendy Hall, NY State Licensed Wildlife Rehabilitators, Adirondack Wildlife Refuge & Rehabilitation Center, www.AdirondackWildlife.org, Adirondack Holiday Vacation Rentals, West Branch of the Ausable River, Wilmington-Whiteface, NY, www.AdirondackHoliday.com, 866-235-9655, Steve Hall, Real Estate Broker, Adirondack Mountains Real Estate.

<u>www.AdirondackMountainsRealEstate.com</u>, and *Adirondack Artists*, <u>www.AdirondackArtists.com</u>.

---- Forwarded Message -----

From: Adirondack Holiday adirondack.holiday@yahoo.com
To: "jefrey.hovey@dec.ny.gov" < jefrey.hovey@dec.ny.gov>

Cc: Stickles James H (DEC) < james.stickles@dec.ny.gov >; Wendy Hall

Sent: Wednesday, April 3, 2019 4:12 PM

Subject: Our statement to Jeff about the bear escape

Hi Jeff: I want to amend my statement with one detail, which was inaccurate. Chris Mattern was our bear specialist, an arrangement which has not worked out as we had hoped. Wendy hired him in Sept of 2016, while I was in Nova Scotia, on one of my search-for-wildlife with-camera trips in my camper, at a time when we were accelerating our rehab of black bears. He helped us with feeding the rehab bears, and we put him in charge of constructing a captive-bred bear enclosure, because we had opportunities to adopt bear cubs, which we could use for education purposes, as a means to help raise donor revenue to cover medical and food expenses for our rehab and ambassador animals.

We provided the bear-keepers cabin for Chris's residence, which is right next to the southeast corner of the wolf enclosure. We noticed that all windows were gradually covered, and not long after this, he moved to an apartment off site, seeking, we assumed, more privacy. Wendy later spoke with Chris's former employer, Fortress of the Bears in Sitka, Alaska, and they told us they wouldn't hire Chris. We felt stuck, as bear experts are like hen's teeth.

When the cubs were old enough to be moved down to the new enclosure in May of 2017, we began to have issues with Chris's stewardship of the enclosure. I suggested that we install a "nodig" zone, which works perfectly for the wolves, but he insisted we didn't need one, until the cubs, now about 60 lbs. began digging, and we quickly added the "no-dig" hardware, a 4 foot wide solid steel buried horizontal ground mesh, which addressed the problem. We constantly had to hound Chris to keep the bear enclosure area straightened up and presentable, and had a series of similar management overrides in the next two years, leading up to the current incident, the escape.

Chris always insisted that his design was good and the bears could not escape. Chris called me around 10 am of the day of the escape, to tell me the bears were gone. When I inspected the enclosure, I immediately spotted two structural weaknesses

that could be exploited by the bears, one an area with particle board showing, the second with an inadequate roofing sheet covering a section of wall. What angered me was that this isn't rocket science. The bears can't scale the roofing, and there was adequate roofing outside the enclosure on the ground to easily fix the problem, not to mention that Chris had all Winter to address these areas. I fixed these issues myself, patching the two weak areas, the day of the escape, as we realized that when the bears returned, we'd still have the same vulnerabilities.

Wendy and I basically panicked, as the ambassador bears are a huge part of our education, and therefore money raising programs, and we feared that the DEC would hold us responsible, and not allow us to keep bears, even if we got our two bears back. (We currently have 5 bears in rehab, 4 of whom will be released in May, with the help of the DEC). I suggested we try to make it look as though an act of god caused this, and Chris suggested the bent tree solution. I realize in retrospect that it was unfair to have team members be put in a position where they'd have to sign statements which might contain falsehood. In fact, it didn't occur to me that we'd be signing statements at all, figuring the focus would be on getting the bears back. Chris is gone, and is not welcome back. We really regret wasting everyone's time and complicating an already delicate situation. We don't know what statements the team gave, but we are responsible if they also felt compelled to mislead you. Anyhow, we've been working hard to get the word out about the bears, and trying to solicit public support. What follows is the text posted on FaceBook within the last 24 hours to suggest to residents what to do if they see the bears, and help them put the incident in context, by explaining what bears do in the Spring. Steve Hall

From our FaceBook page: Keep a look out! Our two year old ambassador black bears, one brown and one black, managed to escape from their enclosure, and we're working with The DEC to try to locate them, and encourage them to return to their enclosure, and that's where our followers in the Lake Placid-Keene-Wilmington and Ausable Forks area come in. If you spot a brown black bear, that's Luve, the smaller of our two sows, and probably the only brown black bear in the Adirondacks. These are captive-bred ambassador bears, used for education purposes. We've had them since they were one month old, and they're harmless. Whatever you do, don't approach or feed them. If you see them, call Jim Stickles of the DEC at 518-897-1300, or call Steve Hall of Adirondack Wildlife at 914-772-5983, or 855-Wolf-Man.

More information on the bear Escape from our FaceBook page. We appreciate the outpouring of support for our bears, and here is some more information about bears in the Spring, which will help you understand the situation. Bear "hibernation", a type of torpor very different from small mammal hibernation, is the process of burning the fat built up in the Fall, from gorging principally on acorns, nuts and vegies. While small mammals have their body temps drop to just a few degrees above freezing, black bear body temps drop just a few degrees. Their metabolism and heart rate slows down, while defecation and urination stops. Mama bear gives birth between mid-January and mid-February. On a warm winter day, bears without cubs may wake up and go for a walk.

Black bears come out of hibernation gradually, going through a period of walking around, acclimating, and not eating until Spring bear food begins to grow in the forest and meadows. Early natural food includes catkins, skunk cabbage, grasses and ferns, none of which have appeared in our area yet, something to think about if you are among those who applaud their being out in the wild. Bodies of winter killed animals also provide nutrition, but our two bears have never accepted fish or venison, so our bears are... so far... vegans! They had begun feeding on store bought vegetables, so they should be hungry.

We believe our bears are within a 3 mile radius of the Wildlife Refuge, and are exploring. Bears are the only mammals with a nose more sensitive than a gray wolf (or your dog, which is genetically a gray wolf), so they should be able to smell the food at the Refuge, as well as their own defecation, which they've been leaving in the woods. In addition, since we've had these cubs since they were a month old, they are fully acclimated to our wolves, and can probably hear their occasional howling from 2 to 3 miles away depending on weather and topography, making the wolves serve as a lighthouse for home.

In other words, we believe the bears will find their way home, but it is still critical that you alert us if you see them. It's an easy ID, as the smaller bear is a brown black bear. Our ambassador bears are from Minnesota, and while all Adirondack black bears are black, often with a white "tuxedo" neck, there will be no mistaking our bears, since "Luve" is very likely the only brown black bear in the Adirondacks. It is absolutely critical that you not approach the bears, or feed them, as this will seriously affect the search, not to mention, bears are creatures of habit, so if you feed them, they will expect you, or your neighbors, to keep feeding them.

Once again, the key phone numbers are me, Steve Hall, coowner and co-founder of the Adirondack Wildlife Refuge at 914-772-5983 (or 855-Wolf-Man), and Jim Stickles, of Region 5 of the DEC, at 518-897-1300.

3rd and final FaceBook post: While we appreciate all the comments we've received, there was a great deal of uninformed opinion about the bears and the mission of Adirondack Wildlife Refuge. We take in hundreds of animals every year, who are sick or injured in the Adirondack Region, work on their ailments, and about 70% get released. When you visit the Refuge to learn about wildlife and their connections to us through Nature, we never allow people to see animals who have a shot at release, as these animals will live much longer if they remain afraid of humans.

For example, we currently are treating 5 wild black bears, each suffering from sarcoptic mange, undernourishment and we believe orphaned. We work with local vets on treatment, and when successful, will work with the DEC to release 4 of these bears, in remote areas where human contact is less likely, probably in mid-May, when natural bear foods are available in the wild. The 5th bear is severely underweight and suffering from mange, and its fate is still uncertain. The incidents of mange, like the incidence of heavy winter tick infestation on moose all along the US-Canadian border, and the exploding numbers of lyme-infected black legged ticks are of grave concern for the future. Call it climate change, or whatever you like, the fact remains there is nothing new about these parasites, other than their exploding numbers in our area.

About half of the remaining 30% of our subjects will die, and if we suspect toxins were involved, for example lead poisoning, we'll try to get the carcass tested, and if positive, the source can hopefully be located and neutralized. The final 15% of the animals who are treated at the Refuge, turn out to be critters who will live a long live if we feed them, but will not, in our opinion, be able to make a living in Nature. These are predominantly the animals your family will see, and learn about, while at the Refuge.

The two exceptions to this description are the two Ambassador bears who escaped, and the gray wolves, all of whom are adopted from a Minnesota org, which provides wildlife for movies, documentaries and photography shoots. Bears are what we call "indicator" species. For example, grizzly bears and black bears have a much lower percentage of meat in their diets than we generally do. As a consequence, they eat a much wider

range of vegetation, so when a bear comes to the Refuge for Rescue, Rehab and Release, it's like we try to figure out what's wrong with them, and what's wrong with the area they are trying to earn a living. We believe that starvation is the number one killer of wildlife, so diet and availability of food is always a key factor.

Wolves, on the other hand, are critical to people for two reasons: All domestic dogs are so close genetically to gray wolves, that the only debate about their origins, are whether the working breeds were developed out of wolves over 1000s of years, probably trying to focus and exaggerate desirable features, while tossing undesirable animals into the stew pot, during the agricultural revolution, starting about 15,000 years ago, in which case Canis Lupus Familiaris (the dog), is basically a gray wolf (Canis Lupus) spinoff, or whether both modern day dogs and wolves evolved from the same wolf predecessor.

On the lighter side, we believe our ancestors on the Mammoth Steppe, 60,000 years ago, may have been followed by scavenging omega wolves, who themselves found stealing from us, and occasionally helping us, a much safer living than going after wild horses on the Steppe with the wolf pack. (We've only been riding horses for about 5,000 years, while we've been hunting them for meat for at least 60,000 years). If this is accurate, it means that during our 60,000 year relationship with "man's best friend", for three quarters of that period, our dogs were just wolves.

On the grimmer side, no creature has a more dangerous life than gray wolves, who often have to feed their families by going after moose, elk and bison, each generally about ten times their weight or more, while defending their territories against other wolf packs, who may want to come poach their game. Add it all up, and wolves in the wild are lucky to reach their fifth birthday, while our Ambassador wolves are fed mainly deer killed by cars, and will live ten to fifteen years. By the way, we watch dumb movies like "The Gray", and forget that Hollywood is trying to entertain us, not educate us. I'm 71, and routinely go looking for wolves, bear and moose on my vacations in Alaska, western Canada and Yellowstone, and find that wolves run away.

What is terribly confusing about genetics, is that coyotes, which in their variations from western coyotes to coywolves, resemble wolves, but the DNA spread is about 5%. To further complicate matters, out west, gray wolves (for example, in Yellowstone) typically kill coyotes in competition for smaller safer prey, and to

protect carcasses of moose, elk and bison, just as coyotes often kill the smaller fox.

More importantly, gray wolves are what are called "keystone" predators. Keystone animals are animals that have dramatic impacts on any environment, Most folks may not realize that Congress, bowing to lobbyists back in the 1920s very foolishly eliminated gray wolves everywhere in the lower 48, except Minnesota, by hiring wolfers to toss 7 million strychnine-laced fist-sized chunks of meat out of planes, very likely causing the explosion of deer and coyotes. You can find much more comprehensive information at our web site, www.AdirondackWildlife.org.

The point of all this, is that Rescue, Rehab and Release is a very expensive process, and we raise money to cover the medical and subsistence expenses through the donations of our visitors and followers on social media. The ambassador wolves and ambassador bears you'll see at the Refuge, are captive-bred animals, who have never been in the wild, and have never been taught how to hunt or forage, but are much better fed, and will live much longer than their wild brethren, and have the added benefit of letting your family see these animals up close, and learn all about their relationship to us, and to the rest of nature. Last year, 50,000 people visited the Wildlife Refuge, and if you check our ratings on Trip Advisor, we believe you'll agree that Adirondack Wildlife is a worthy cause to support, and provides an excellent introduction to Nature for your kids.

Once again, if you see our bears, the key phone numbers are me, Steve Hall, co-owner and co-founder of the Adirondack Wildlife Refuge at (or ______, and Jim Stickles, of Region 5 of the DEC, at 518-897-1300.

Steve & Wendy Hall, NY State Licensed Wildlife Rehabilitators, Adirondack Wildlife Refuge & Rehabilitation Center, www.AdirondackWildlife.org, Adirondack Holiday Vacation Rentals, West Branch of the Ausable River, Wilmington-Whiteface, NY, www.AdirondackHoliday.com, 866-235-9655, Steve Hall, Real Estate Broker, Adirondack Mountains Real Estate, www.AdirondackMountainsRealEstate.com, and Adirondack Artists, www.AdirondackArtists.com.