

**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Alleged Violations of Articles 9 and 24 of the Environmental Conservation Law (ECL) of the State of New York and Title 6 of the Official Compilation of Codes, Rules and Regulations the State of New York (6 NYCRR), Parts 190 and 360,

**ORDER**

DEC Case No.  
R6-20161024-32

-by-

**WADE R. SNYDER,**

Respondent.

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This administrative enforcement proceeding addresses allegations by staff of the New York State Department of Environmental Conservation (Department) that respondent Wade R. Snyder violated ECL 9-0303 and 24-0701 and 6 NYCRR Parts 190 and 360, by removing and defacing trees, constructing a road across New York State land, disposing solid waste in a State reforestation area, and depositing fill and constructing a camp structure within New York State freshwater wetland BR-20 without authorization or a permit. These activities occurred in the area in and around Brasher State Forest, a reforestation area, in the Town of Brasher, St. Lawrence County, New York.

Department staff initial complaint dated April 27, 2017 (Original Complaint) listed Wade R. Snyder and Michael J. Durant as respondents. In the Original Complaint, Department staff alleged that respondents Snyder and Durant violated:

- 6 NYCRR 190.8(w), by constructing a structure on state land without authorization from the Department;
- ECL 9-0303(1), by cutting trees in Brasher State Forest without authorization from the Department;
- 6 NYCRR 190.8(g), by defacing trees located on Brasher State Forest;
- 6 NYCRR 190.2(b) and 6 NYCRR 360-1.5, by disposing of solid waste on state land;
- 6 NYCRR 190.8(m), by using a motor vehicle on Brasher State Forest without a permit in an area that was not posted as open to motor vehicle use; and
- ECL 24-0701, by placing fill and building a camp structure within the 100 foot regulated adjacent area of Freshwater Wetland BR-20 and within the wetland itself without a permit issued by the Department.

See Original Complaint ¶¶ 10-43. For the above-referenced violations, Department staff requested that a civil penalty be assessed against respondents in the amount of nineteen thousand eight hundred and thirty-three dollars (\$19,833) with ten thousand nine hundred dollars

(\$10,900) of that amount suspended (*see* Original Complaint, at 9 [paragraph III]), and that respondents be directed to undertake remedial action to address the environmental impacts arising from respondents' activities (*see id.*, at 8-9 [paragraph II]).

In a stipulation of facts sworn to by Wade Snyder on October 5, 2017 [Snyder Stipulation], respondent Snyder stated that Michael Durant "did not participate in construction of the road or camp in question" (*see* Affidavit of Randall C. Young sworn to August 21, 2018 [Young Affidavit], ¶ 5; Exhibit [Exh] RY-2 [Snyder Stipulation], ¶ 8). Department staff moved for permission to amend the pleadings on January 31, 2018 to remove Michael J. Durant as respondent (*see* Young Affidavit, ¶ 6; Exh RY-3). In addition, Department staff proposed revising some of the language of the Original Complaint, including reducing the scope of the requested remedial relief (*see* Exhs RY-3 and RY-4). The violations alleged and the penalty request, with respect to respondent Snyder, remained the same as set forth in the Original Complaint.

On May 15, 2018, then Administrative Law Judge (ALJ) Richard R. Wissler granted the motion to remove Mr. Durant as respondent in this proceeding, revise the relief requested and make other revisions to the Original Complaint (*see* Young Affidavit, ¶ 7; Exh RY-4). A notice of hearing and an amended complaint dated June 7, 2018 (Amended Complaint) was served on the now sole respondent Wade R. Snyder. ALJ Molly T. McBride of the Department's Office of Hearings and Mediation Services was subsequently assigned to this matter on September 12, 2018, and prepared the attached default summary report, which I adopt as my decision in this matter, subject to my comments below.

Respondent Snyder failed to file an answer to the Amended Complaint served by Department staff in this matter (*see* Default Summary Report at 3 [Finding of Fact No. 7], 4). Subsequently, Department staff filed a motion for default judgment dated August 21, 2018 (Default Motion) on respondent Wade R. Snyder (*see* Default Summary Report at 3 [Finding of Fact No. 8]). Respondent Wade R. Snyder did not respond to the Default Motion (*id.* at 3, 4). Accordingly, the ALJ recommends that Department staff's Default Motion be granted (*see* Default Summary Report at 4, 6).

### Liability

I concur that staff is entitled to a judgment on default pursuant to 6 NYCRR 622.15. The pleadings and the papers submitted with and in support of the motion provide sufficient facts to enable me to determine that staff has a viable claim that respondent Wade R. Snyder committed the violations cited<sup>1</sup> (*see* Affidavit of Stephanie Larkin, DEC Habitat Biologist, sworn to August 22, 2018, ¶¶ 4, 8 [respondent Snyder's placement of fill in New York State freshwater wetland BR-20 (a Class II Wetland) and construction of a camp structure in Freshwater Wetland BR-20]; *see also* Snyder Stipulation ¶ 5 [admitting to the construction of a road on Brasher State Forest]; Default Motion, Exh 3F [diagram noting fill, camp, road construction, and area of tree cutting]; Affidavit of Randall Young dated January 31, 2018, ¶ 7 [staff report of construction of road including cutting of trees and placement of fill in Freshwater Wetland BR-20], ¶ 8 [construction

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<sup>1</sup> As noted, the violations cited were the same in the Original Complaint (where both Durant and Snyder were named as respondents) and in the Amended Complaint (Snyder as sole respondent).

of a camp within the boundary of Freshwater Wetland BR-20]; Amended Complaint, ¶¶ 14, 19, 23, 28, 35, 43 [Department never issuing permits or other authorizations to respondent Snyder to conduct the activities at issue]).

### Penalty

Several penalty provisions in the ECL are applicable to the violations cited in this proceeding. ECL 71-0703 provides that any person who violates any provision of ECL article 9 or the rules and regulations promulgated pursuant thereto may be liable for a civil penalty of not less than ten nor more than one hundred dollars. ECL 71-0703 further provides that any person who violates ECL 9-0303(1) shall be liable to a civil penalty of two hundred fifty dollars per tree or treble damages, based on the stumpage value of such tree or both. In addition, ECL 71-2303(1) provides that any person who violates any provision of ECL article 24 or any rule or regulation issued pursuant thereto shall be liable for a civil penalty of not to exceed eleven thousand dollars for every such violation. ECL 71-2703(1)(b) provides that any person who violates title 3 or title 7 of article 27 and causes the release of solid waste into the environment shall be liable for a civil penalty not to exceed eleven thousand two hundred fifty dollars for each such violation.

Staff calculated a civil penalty based on the violations cited, and apportioned the penalty between suspended and non-suspended amounts (*see* Amended Complaint, at 8-9, par III). Staff is requesting a total civil penalty of nineteen thousand eight hundred and thirty-three dollars (\$19,833), of which ten thousand nine hundred dollars (\$10,900) would be suspended. Accordingly, the payable portion of the civil penalty would be eight thousand nine hundred thirty-three dollars (\$8,933). Based on the record before, the civil penalty requested is authorized and appropriate.

Although I accept staff's request to suspend a portion of the civil penalty, this suspension is contingent upon respondent complying with the terms and conditions of this order, including but not limited to the payment of the non-suspended portion of the penalty and the completion of the remedial activities as discussed below.

With respect to the submission of the civil penalty, I direct that respondent submit payment of the non-suspended portion of the civil penalty (eight thousand nine hundred thirty-three dollars [\$8,933]) civil penalty to the Department within thirty (30) days of the service of this order. If respondent fails to comply with any term or condition of this order, the suspended portion of the civil penalty shall become immediately due and payable and shall be submitted to the Department in the same manner and to the same address as the non-suspended portion of the penalty.

### Remedial Relief

Department staff, in the Amended Complaint, requests that I direct that respondent, during the period of June 1 and August 1 following issuance of this order, conduct the following remedial actions:

- (a) move the camp structure to an area outside of Freshwater Wetland BR-20 and its one hundred foot buffer area, and
- (b) plant annual rye grass in the disturbed area and then cover the area with straw until it stabilizes.

I have reviewed Department staff's request and determined these remedial actions to be authorized and appropriate. I am also directing respondent to notify the Department within one (1) week of the completion of the required remedial activity in order for Department staff to inspect the area where the remedial activity has occurred. Respondent's remedial activity must be performed in a manner that is satisfactory to Department staff. Upon good cause shown, respondent may request that the time period established for the remedial activity (*i.e.*, during the period of June 1 and August 1 immediately following issuance of this order) be modified. Any modification of the time frame would be at the sole discretion of Department staff.

**NOW, THEREFORE**, having considered this matter and being duly advised, it is **ORDERED** that:

- I. Department staff's motion for a default judgment pursuant to 6 NYCRR 622.15 is granted.
- II. Based on the pleadings and papers submitted with and in support of Department staff's motion, respondent Wade R. Snyder is determined to have violated:
  - A. 6 NYCRR 190.8(w), by constructing a structure on state land without authorization from the Department;
  - B. ECL 9-0303(1), by cutting trees in Brasher State Forest without authorization from the Department;
  - C. 6 NYCRR 190.8(g), by defacing trees located on Brasher State Forest;
  - D. 6 NYCRR 190.2(b) and 6 NYCRR 360-1.5, by disposing of solid waste on state land;
  - E. 6 NYCRR 190.8(m), by using a motor vehicle on Brasher State Forest without a permit in an area that was not posted as open to motor vehicle use; and
  - F. ECL 24-0701, by placing fill and building a camp structure within the 100 foot regulated adjacent area of Freshwater Wetland BR-20 and within the wetland without a permit issued by the Department.
- III. Respondent Wade R. Snyder is hereby assessed a civil penalty in the amount of nineteen thousand eight hundred and thirty-three dollars (\$19,833). Of this amount, ten thousand nine hundred dollars (\$10,900) of the civil penalty shall be

suspended contingent upon respondent's compliance with the terms and conditions of this order including but not limited to the payment of the non-suspended portion of the penalty and completion of the remedial activity in a manner satisfactory to Department staff.

Respondent shall, within thirty (30) days of the service of this order upon him, submit payment of the non-suspended portion of the civil penalty (that is, eight thousand nine hundred thirty-three dollars [\$8,933]) by certified check, cashier's check, or money order made payable to the "New York State Department of Environmental Conservation." The payment shall be submitted to the following address:

Randall C. Young, Esq.  
New York State Department of Environmental Conservation  
Region 6  
Dulles State Office Building  
317 Washington Street  
Watertown, NY 13601-3787

In the event that respondent fails to comply with the terms and conditions of this order including but not limited to the payment of the non-suspended portion of the penalty and completion of the remedial activity in a manner satisfactory to Department staff, the suspended portion of the penalty (ten thousand nine hundred dollars [\$10,900]) shall be immediately due and payable and shall be submitted to the Department in the same manner and to the same address as the non-suspended portion of the penalty.

- IV. Respondent Wade R. Snyder is hereby directed to, during the period of June 1 and August 1 immediately following issuance of this order, (a) move the camp structure to an area outside of Freshwater Wetland BR-20 and its one hundred foot buffer area, and (b) plant annual rye grass in the disturbed area and then cover the area with straw until it stabilizes. Respondent is directed to notify the Department within one (1) week of the completion of the required remedial activity in order for Department staff to inspect the area where the remedial activity has occurred. Any and all remedial activity must be completed in a manner that is satisfactory to Department staff.
- V. Any questions or other correspondence regarding this order shall also be addressed to Randall C. Young, Esq. at the Department's Region 6 office as follows:

Randall C. Young, Esq.  
New York State DEC, Region 6  
Dulles State Office Building  
317 Washington Street  
Watertown, NY 13601-3787

- VI. The provisions, terms and conditions of this order shall bind respondent Wade R. Snyder and his agents, successors and assigns, in any and all capacities.

For the New York State Department  
of Environmental Conservation

By: /s/  
Basil Seggos  
Commissioner

Dated: Albany, New York  
September 7, 2021

**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Alleged Violations of Articles 9 and 24 of the Environmental Conservation Law (ECL) of the State of New York and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR), Parts 190 and 360,

**DEFAULT SUMMARY  
REPORT**

-by-

DEC Case No.  
R6-20161024-32

**Wade R. Snyder,**

Respondent.

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Procedural History

Staff of the New York State Department of Environmental Conservation (Department) served respondent Wade Snyder (respondent) with a notice of hearing and amended complaint<sup>1</sup> (NOHC) dated June 7, 2018, alleging respondent removed trees, defaced trees and constructed a road across New York State land, disposed of solid waste in Brasher State Forest, and deposited fill and constructed a camp structure within NYS freshwater wetland (FWW) BR-20 without authorization or a permit in violation of ECL 9-0303 and 24-0701, and 6 NYCRR Parts 190 and 360.

By motion dated August 21, 2018, Department staff requested a default judgment against respondent finding respondent in violation of: (i) ECL 9-0303(1) for cutting trees in Brasher State Forest without authorization from the Department; (ii) 6 NYCRR 190.8(w) for constructing a structure on State land without authorization; (iii) 6 NYCRR 190.2(b) and 360-1.5<sup>2</sup> by disposing of solid waste on State land; (iv) 6 NYCRR 190.8(m) by using a motor vehicle on Brasher State Forest without a permit in an area that was not posted as open to motor vehicle use; (v) 6 NYCRR 190.8(g) by defacing trees located on Brasher State Forest; and (vi) ECL 24-0701 by placing fill and building a camp structure in FWW BR-20 without a permit issued by the Department. Department staff requested an order that directs respondent to: (i) during the period of June 1 and August 1, immediately following issuance of the order (a) move the camp structure at the site to an area outside wetland BR-20 and 100' buffer area, (b) plant rye grass in the

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<sup>1</sup> By May 15, 2018 order of ALJ Richard Wissler, Department staff served the notice of hearing and amended complaint on Wade Snyder.

<sup>2</sup> Effective November 4, 2017, the substantive provisions of 6 NYCRR part 360 were repealed and replaced. Because the violations alleged in the amended complaint occurred before the effective date of the new part 360, the provisions of former section 360-1.5 are applicable in this matter.

disturbed area and then cover the area with straw until it stabilizes, and (c) restore the access road to pre-disturbance condition; and (ii) pay a civil penalty in the amount of nineteen thousand eight hundred thirty-three dollars (\$19, 833) with ten thousand nine hundred dollars (\$10,900) of the penalty suspended.

Respondent was served with a motion for default judgment by first class mail on August 21, 2018. As stated in the motion for default judgment, respondent was served with a notice of hearing and amended complaint on June 7, 2018, which stated that a written answer to the amended complaint had to be served within 20 days. Respondent failed to answer the complaint. Pursuant to 6 NYCRR 622.15, Department staff may move for a judgment by default. The motion includes the affidavit of Randall C. Young, Esq., regional attorney for the Department's Region 6 office, proof of service of the notice of hearing and amended complaint and a proposed order.

### Applicable Regulatory Provision

Section 622.15 of 6 NYCRR states:<sup>3</sup>

- (a) A respondent's failure to file an answer or, even if a timely answer is filed, failure to appear at the hearing or pre-hearing conference (if one is scheduled pursuant to 622.8 of this Part) constitutes a default and a waiver of respondent's right to a hearing. If any of these events occurs the department staff may make a motion to the ALJ for a default judgment.
- (b) The motion for a default judgment may be made orally on the record or in writing and must contain:
  - (1) Proof of service upon the respondent of the notice of hearing and complaint or such other document which commenced the proceeding;
  - (2) Proof of the respondent's failure to appear or failure to file a timely answer; and
  - (3) A proposed order.

### Findings of Fact

The following facts are found based upon the pleadings and papers submitted with and in support of staff's motion for a default judgment:

1. Respondent Wade Snyder owns a parcel of property adjacent to Brasher State Forest, St. Lawrence County, New York, Tax Map Parcel Number 27.003-2-41 (site). *See* Motion for Default Judgment, Affidavit of Randall C. Young, Esq., Exhibit RY-5, NOHC at 5, NOHC Exhibit 1.

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<sup>3</sup> Part 622 of 6 NYCRR, Uniform Enforcement Hearing Procedures, was repealed and replaced effective September 16, 2020. Department staff's motion for a default judgment was filed before the effective date of the current part 622. Accordingly, the motion is reviewed and considered pursuant to former part 622.



2. Brasher State Forest is land owned by the People of the State of New York under the jurisdiction of the Department as a reforestation area managed by the Department's Division of Lands and Forests. *See* Motion for Default Judgment, Affidavit of Randall C. Young, Esq., Exhibit RY-5, NOHC at 8, NOHC Exhibit 2A.
3. A portion of the site and the adjacent portion of Brasher State Forest are located within New York State Regulated Freshwater Wetland BR-20, a Class II wetland. *See* Motion for Default Judgment, Affidavit of Stephanie Larkin, DEC Habitat Biologist dated August 21, 2018, NOHC at 9.
4. Sometime between March 17, 2014, and September 26, 2016, without Department authorization or a Department permit, respondent used a tractor to remove 34 trees and construct a road across State land to his property, respondent defaced trees located on Brasher State Forest; and respondent deposited fill and constructed a camp structure within NYS regulated Freshwater Wetland BR-20. *See* NOHC at 17, 22, 27-28, 40-43.
5. Respondent appeared for a conference in this matter on October 5, 2017, prior to service of the June 2018 NOHC, and executed a Stipulation of Facts acknowledging his ownership of the site, his construction of the road detailed above and his construction of the structure as detailed above. *See* Motion for Default Judgment, Affidavit of Randall C. Young, Esq., Exhibit RY-2.
6. On June 7, 2018 Department staff served a NOHC on respondent. *See* Motion for Default Judgment, Affidavit of Randall C. Young, Exhibits RY-5, RY-6.
7. Respondent did not file an answer or otherwise appear after service of the NOHC. *See* Motion for Default Judgment, Affidavit of Randall C. Young, Esq.
8. Department staff served a motion for default judgment on respondent on August 21, 2018 and respondent has not responded to the motion.

#### Discussion

A respondent upon whom a complaint has been served must serve an answer within 20 days of receiving a notice of hearing and complaint (*see* 6 NYCRR 622.4[a]). A respondent's failure to file a timely answer "constitutes a default and a waiver of respondent's right to a hearing" (6 NYCRR 622.15[a]). In addition, attendance by a respondent at a scheduled pre-hearing conference or hearing is mandatory, "and failure to attend constitutes a default and a waiver of the opportunity for a hearing" (6 NYCRR 622.8[c]; *see also* 6 NYCRR 622.15[a] ["A respondent's ... failure to appear at the hearing or the pre-hearing conference ... constitutes a default and waiver of respondent's right to a hearing"]).

Upon a respondent's failure to answer a complaint or failure to appear for a pre-hearing conference or hearing, Department staff may make a motion to an ALJ for a default judgment. Such motion must contain: (i) proof of service upon respondent of the notice of hearing and

complaint; (ii) proof of respondent's failure to appear or to file a timely answer; and (iii) a proposed order (*see* 6 NYCRR 622.15[b][1] - [3]).

As the Commissioner has held, "a defaulting respondent is deemed to have admitted the factual allegations of the complaint and all reasonable inferences that flow from them" (*Matter of Alvin Hunt, d/b/a Our Cleaners*, Decision and Order of the Commissioner, July 25, 2006, at 6 [citations omitted]). In addition, in support of a motion for a default judgment, staff must "provide proof of the facts sufficient to support the claim[s]" alleged in the complaint (*Matter of Queen City Recycle Center, Inc.*, Decision and Order of the Commissioner, December 12, 2013, at 3). Staff is required to support their motion for a default judgment with enough facts to enable the ALJ and the Commissioner to determine that staff has a viable claim (*see Matter of Samber Holding Corp.*, Order of the Commissioner, March 12, 2018, at 1 [citing *Woodson v Mendon Leasing Corp.*, 100 NY2d 62, 70-71 (2003)]; *see also* CPLR 3215[f]).

A notice of hearing and amended complaint was served on respondent in June 2018 and respondent has failed to serve an answer to that amended complaint (*see* Motion for Default Judgment, Affidavit of Randall C. Young, Esq. at 8-9). The record establishes that: (i) Department staff served the notice of hearing and amended complaint upon respondent; and (ii) respondent failed to file an answer to the amended complaint. Department staff has submitted a proposed order. (*See* Motion for Default Judgment.) Staff also served respondent with copies of the motion for default judgment and supporting papers (*see* letter to respondent and Chief Administrative Law Judge McClymonds dated August 21, 2018). Respondent did not respond to the motion. Based upon the foregoing, the Department is entitled to a default judgment in this matter pursuant to the provisions of 6 NYCRR 622.15.

Department staff's submissions in support of the motion for a default judgment provide proof of facts sufficient to enable me to determine that staff has a viable claim that respondent (i) violated ECL 9-0303(1) by cutting trees in Brasher State Forest without authorization from the Department; (ii) violated 6 NYCRR 190.8(w) by constructing a structure on State land without authorization; (iii) violated 6 NYCRR 190.2(b) and 360-1.5 by disposing of solid waste on State land; (iv) violated 6 NYCRR 190.8(m) by using a motor vehicle on Brasher State Forest without a permit in an area that was not posted as open to motor vehicle use; (v) violated 6 NYCRR 190.8(g) by defacing trees located on Brasher State Forest; and (vi) violated ECL 24-0701 by placing fill and building a camp structure in FWW BR-20 without a Department issued permit (*see Matter of Samber Holding Corp.*, Order of the Commissioner at 1).

Department staff seeks a civil penalty in the amount of nineteen thousand eight hundred and thirty-three dollars (\$19,833) with ten thousand nine hundred dollars of that amount suspended (\$10,900) pending respondent's compliance with the Commissioner's order as follows:

During the period of June 1 and August 1, immediately following issuance of an order:

- i. Move the camp structure to an area outside wetland BR-20 and 100' buffer area; and
- ii. Plant annual rye grass in the disturbed area and then cover the area with straw until it stabilizes;

The penalty amount suspended is apportioned as follows:

- a. \$100 for violating 6 NYCRR 190.8(w);
- b. \$8,533 for violating ECL-§9-0303(1), with \$2,000 suspended conditioned upon respondent's compliance with the Commissioner's order;
- c. \$100 for violation of 6 NYCRR 190.8(g);
- d. \$1,000 for violation of 6 NYCRR 190.2(b) and 360-1.5(a), with \$900 of that amount suspended pending respondent's compliance with the Commissioner's order;
- e. \$100 for violation of 6 NYCRR 190.8(m);
- f. \$10,000 for violation of ECL 24-0701, with \$8,000 suspended pending respondent's compliance with the Commissioner's order.

I find that staff's request for a civil penalty in the amount of nineteen thousand eight hundred and thirty-three dollars (\$19,833) with ten thousand nine hundred dollars suspended (\$10,900) is consistent with the Department's penalty policy as well as applicable provisions of ECL article 71 and administrative precedent.

In addition, I find that the relief requested by Department staff with respect to moving the camp structure and planting rye grass at the site as detailed above and in the NOHC is reasonable and warranted in these circumstances.

#### Conclusions of Law

1. Respondent violated ECL 9-0303(1) by cutting trees in Brasher State Forest without authorization from the Department;
2. Respondent violated 6 NYCRR 190.8(w) by constructing a structure on State land without authorization;
3. Respondent violated 6 NYCRR 190.2(b) and 360-1.5 by disposing of solid waste on State land;
4. Respondent violated 6 NYCRR 190.8(m) by using a motor vehicle on Brasher State Forest without a permit in an area that was not posted as open to motor vehicle use;
5. Respondent violated 6 NYCRR 190.8(g) by defacing trees located on Brasher State Forest;
6. Respondent violated ECL 24-0701 by placing fill and building a camp structure in FWW BR-20 without a Department issued permit; and
7. Respondent is in default pursuant to the provisions of 6 NYCRR 622.15.

#### Recommendation

Based upon the foregoing, I recommend that the Commissioner issue an order:

1. Granting Department staff's motion for default judgment, holding respondent Wade Snyder in default pursuant to the provisions of 6 NYCRR 622.15;
2. Holding that respondent Wade Snyder:
  - (i) violated ECL 9-0303(1) by cutting trees in Brasher State Forest without authorization from the Department;
  - (ii) violated 6 NYCRR 190.8(w) by constructing a structure on State land without authorization;
  - (iii) violated 6 NYCRR 190.2(b) and 360-1.5 by disposing of solid waste on State land;
  - (iv) violated 6 NYCRR 190.8(m) by using a motor vehicle on Brasher State Forest without a permit in an area that was not posted as open to motor vehicle use;
  - (v) violated 6 NYCRR 190.8(g) by defacing trees located on Brasher State Forest; and
  - (vi) violated ECL 24-0701 by placing fill and building a camp structure in FWW BR-20 without a Department issued permit.
3. Directing respondent Wade Snyder to (i) during the period of June 1 and August 1 immediately following issuance of the order, (a) move the camp structure at the site to an area outside wetland BR-20 and 100' buffer area, and (b) plant rye grass in the disturbed area and then cover the area with straw until it stabilizes;
4. Directing respondent Wade Snyder pay a civil penalty in the amount of nineteen thousand eight hundred and thirty-three dollars (\$19,833), with ten thousand nine hundred dollars suspended pending respondent's compliance with the Commissioner's order as detailed herein; and
5. Directing such other and further relief as he may deem just and appropriate.

/s/  
Molly T. McBride  
Administrative Law Judge

Dated: Albany, New York  
October 9, 2020

## APPENDIX A

*Matter of Wade Snyder.*  
DEC File No. R6-20161024-32  
Motion for Default Judgment

1. Cover letter, addressed to Chief Administrative Law Judge James McClymonds of the Department's Office of Hearings and Mediation Services and respondent Wade Snyder, attaching staff's motion papers dated August 21, 2018.
2. Notice of Motion for Default Judgment dated August 21, 2018 with affidavit of Randall C. Young, Esq. (and attached exhibits), Affidavit of Stephanie Larkin, and proposed Order.
3. Affidavits of Service of April Sears dated August 22, 2018 and August 23, 2018.