

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
WILLIAM CRAIN; THE EAST HAMPTON GROUP  
FOR WILDLIFE; BETSY PETROSKI SMITH; ROBERT  
SILVERSTEIN; GALE FRIEDMAN; DR. ELLEN  
CRAIN; RON BRACH; A.W. NOONAN; NANCY  
CARDOSO; LORI SCHIAFFINO; ZELDA PENZEL;  
CAROL BUDA; SARI THOMPSON; MONICA NAVIA;  
AMELINA SIEKLUSKA; MARY STONE; and THE  
EVELEN ALEXANDER WILDLIFE RESCUE CENTER,

Index No.: 33432/13

EXPERT AFFIDAVIT  
OF WILLIAM  
DOUGHERTY, M.S.

plaintiffs,

- against -

THE TOWN BOARD OF EAST HAMPTON; THE  
TRUSTEES OF THE FREEHOLDERS AND  
COMMONALITY OF THE TOWN OF EAST  
HAMPTON; and HAMLETS AND VILLAGES OF THE  
TOWN OF EAST HAMPTON, INCLUDING EAST  
HAMPTON, AMAGANSETT, MONTAUK, NEPEAGUE,  
SPRINGS, and WAINSCOTT,

defendants,

-----X  
STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF SUFFOLK    )

WILLIAM DOUGHERTY, M.S., being duly sworn, deposes and says:

1. I am a statistician. I graduated *Cum Laude* with a degree in Economics from S.U.N.Y. at Stony Brook, Long Island, New York, then obtained a Master of Science degree in Statistics from the University of Vermont, followed by a Ph.D., in Epidemiology, from the University of Louisville, Kentucky and a Master of Science in Mathematics from the University of Vermont. I am a member of the American Statistical Association (“ASA”), Statistics in Epidemiology Section and ENVR; a member of the Golden Key International Honor Society;

and a member of the Southold Town Housing Commission. Among the awards I received, I received the Scholastic Achievement Award from the Department of Economics, S.U.N.Y. at Stony Brook, and was a Finalist in the prestigious Newton Fellowship Program. I have been employed as a statistician and, over the years, have taught statistics. A summary of my qualifications is attached as Exhibit 1.

2. Statistics simply do not lie. Authorities often argue that the science is not exact, as an excuse to ignore the results of scientific studies. However, statistics are a powerfully accurate tool of measurement. Although there may not be exactness, there is, with certainty, accuracy.

3. I analyzed the two (2) statistical surveys: one conducted in 2006 (Verret) and the other in 2012 (Vision Air). These survey studies were designed to count the deer population in the Town of East Hampton ("Town"). The 2006 (Verret) survey was a distance (roadside) survey that determined a deer population of  $N=3293$ . The second survey (Vision Air) was an infrared aerial survey conducted by a company called Vision Air in March of 2012, that determined the Town's deer population to be now  $N=877$ . These two (2) scientific survey studies establish an approximate seven (7) year time window. The Town has also been changing demographically in recent years. Significant community demographic changes reap complicated effects. Statistics can measure these effects and answer important questions.

4. These survey studies, very significantly, point to a significantly decreasing deer population, not an increasing one. This result is also supported by a significantly increasing harvest or hunt since 1990. The aerial survey (Vision Air) report depicts a graph showing the

harvest by hunters starting at n=70 in 1990 and steadily increasing to n=546 and n=525 in 2011 and 2012. These harvest numbers also evidence a decreasing population.

5. The result of the aerial survey (Vision Air) is accurate, an approximation within a reasonable boundary. The Vision Air surveyors noted that evergreens can block the detection signal and therefore miss some animals, but the errors that they calculated still put the population at around, at most, N=1000, which is obviously far less than the 2006 (Verret) number.

Therefore, the 2012 harvest of n=525 deer represents an approximate 33% cull.

6. Unfortunately, the Town has arbitrarily and capriciously decided that the information gathered by Vision Air is not credible. The Town is plainly incorrect. The Town's resident hunters appear to be doing the job. The sniper and sharpshooters are simply an unneeded and extreme methodology.

7. My family has lived in Suffolk County for seventeen (17) years, a prime habitat for deer. Over that time, we have also witnessed a decrease in the deer population.

8. If the Town's Deer Management Plan deer cull goes through, there will be few deer left in the Town. The Town's Deer Management Plan is a plan that will, in effect, quite possibly make the deer extinct. It is not designed to manage our deer population. Notably, similar studies and stories are being published about other animal groups in the United States, such as the wolf.

9. Every action has a reaction, especially in nature. The extreme and inappropriate methodology of the Town's Deer Management Plan sends a signal to the community, and the surrounding nature. The media is filled with stories about current disturbances to wildlife. The

Town's Deer Management Plan is an extreme action against the Town's deer is another such example.

William Dougherty, M.S.  
William Dougherty, M.S.

Sworn to before me this  
29 day of January 2014

Danielle Grathwohl  
Notary Public

DANIELLE GRATHWOHL  
Notary Public, State of New York  
No. 01GR6208717  
Qualified in Suffolk County  
Commission Expires 11/6, 2017