

WHITEMAN  
OSTERMAN  
& HANNA LLP

Attorneys at Law  
*www.woh.com*

One Commerce Plaza  
Albany, New York 12260  
518.487-7757 phone  
518.487-7777 fax

Paul VanCott  
Of Counsel  
518.487-7733 phone  
*pvcott@woh.com*

March 11, 2026

**Via Email**

Hon. David N. Greenwood  
Administrative Law Judge  
New York State Department of Environmental Conservation  
Office of Hearings and Mediation Services  
625 Broadway, First Floor,  
Albany, NY 12233-1550

Re: In the Matter of the Application (the “Application”) of Unconventional  
Concepts, Inc. and Michael Hopmeier (the “Applicants”)  
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the Adirondack Council, Inc. (the “Council”), we submit this letter: (1) in opposition to the Applicants’ cross-motion seeking an indefinite stay of the adjudicatory hearing in the above-referenced matter pending a ruling in the Applicants’ Article 78 proceeding currently pending in Supreme Court, Essex County; and (2) in response to the Applicants’ opposition to the Council’s February 24, 2026 motion for proposed revisions to the hearing issues ordered by the Adirondack Park Agency (“APA”) Board in this matter.

**Opposition to Applicants’ Motion for a Stay**

The Applicants’ motion seeks to indefinitely delay APA’s lawfully-ordered administrative hearing on their howitzer testing range application pending a decision in a lawsuit commenced by them in Supreme Court. The relief sought substantially duplicates prior requests by Applicants’ counsel that you and Supreme Court have already declined to grant.

Those rulings make it clear that the Applicants’ decision to bring a lawsuit doesn’t affect the legitimacy of the APA-ordered hearing or the APA’s and the public’s interest in learning the facts about their howitzer testing range application. While the Applicants are entitled to their day in court, unless Supreme Court decides otherwise, the hearing ordered by APA must proceed according to an orderly and efficient schedule determined by you as the presiding judge in accordance with applicable law and regulations.

Out of respect for APA's process and the public's right to know the facts about this howitzer testing range, the Council is willing to risk the time and cost in proceeding with a hearing that is concurrently being challenged in court by the Applicants. The recent revelations about the Army's safety concerns related to the project underscore the need to bring the Applicants' application fully into daylight. The Council has been diligently preparing for the hearing, identifying and scheduling witnesses and reviewing the application in preparation for submitting pre-filed testimony. The indefinite delay requested by the Applicants would be unfairly disruptive to these ongoing efforts.

Accordingly, the Council joined with the other intervenors in a recent request to you for a slightly modified scheduling order that would maintain the April 22<sup>nd</sup> hearing date that you had previously set. Our understanding from communications among the hearing parties (including the Applicants' counsel) is that APA staff are also supportive of that requested modification. Only the Applicants, who brought the lawsuit that they are using as an excuse for their request for a stay of the hearing, want to indefinitely delay the hearing.

For the foregoing reasons, we respectfully request that you deny the Applicants' motion for a stay and issue a modified scheduling order based upon the intervenors' joint request.

**Support for Adirondack Council's Motion with respect to the APA-Ordered Hearing Issues**

We also respectfully ask that you rule in favor of the Council's February 24, 2026 motion to clarify the hearing issues ordered by the APA Board for adjudication and to establish the order of their adjudication. Our motion was supported by APA staff, Sierra Club and Adirondack Wild. In a pre-hearing conference led by you, even the Applicants' counsel had agreed to the proposed clarification of the hearing issues, although he subsequently reneged on that agreement. His unexplained reversal contributed to the necessity of our February 24<sup>th</sup> motion.

The proposed revisions to the hearing issues follow the APA Act criteria required for a decision by the APA Board on the proposed howitzer testing range application. They clarify, but do not materially alter the issues previously identified by the APA Board. Requiring their adjudication in a logical order will provide for an orderly and understandable record for the APA Board and will make the scheduling of witnesses and testimony more efficient for all parties.

For all of the foregoing reasons, as well as the reasons set forth in our February 24<sup>th</sup> motion, we respectfully submit that granting our motion and ordering the requested revisions to the hearing issues, as well as their order of adjudication, is amply justified.

Very truly yours,



Paul Van Cott

Cc: Attached Service List