



In the Matter of the Application of

**UNCONVENTIONAL CONCEPTS, Inc., and
MICHAEL HOPMEIER**

**RULING ON PETITIONS FOR
PARTY STATUS**

APA Project No. 2021-0276

I. Introduction and Proceedings

This ruling arises from the November 14, 2025 Adirondack Park Agency (APA or the Agency) Project Order No. 2021-0276 (Project Order) wherein the Agency ordered this matter to public hearing pursuant to Executive Law Section 809 and State regulations at 9 NYCRR 580.2 (*see Appendix*). In November 2021 Unconventional Concepts, Inc. and Michael Hopmeier (the Applicant or Project Sponsor) submitted an application to undertake a Class B Regional Project in the Town of Lewis, Essex County, New York to the APA, which proposes to develop a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period (the proposed "howitzer testing range") (Project Application or Proposed Project).

In the Project Order, the Agency directed three issues to be considered at the public hearing that can be summarized as follows:

- Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park land use and development plan;
- Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification; and
- Issue #3: Whether the proposed howitzer testing range would have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the Adirondack Park.

On November 20, 2025, I was appointed to serve as Hearing Officer for the APA's public hearing on the Project Application pursuant to State regulation at 9 NYCRR 580.8(a). The Agency issued a Notice of Public Hearing for Project No. 2021-0276, which was published in the Environmental Notice Bulletin (ENB) on December 10, 2025. In the Notice of Public Hearing, the Agency issued notice of commencement of the public hearing to be held on December 22, 2025. The Applicant and Agency hearing staff jointly requested and were granted adjournment of the hearing to February 4, 2026, at 10 a.m. at the APA Boardroom at its headquarters in Ray Brook, NY. The December 10, 2025 Notice of Public Hearing requested parties of right to the hearing to submit a statement in writing prior to commencement of the hearing that they wish to be named as a party and requested any other person or organization seeking to become a party to file a petition pursuant to the Agency's regulations at 9 NYCRR 580.7 by December 19, 2025.

On or Before December 19, 2025, I received petitions for party status from four organizations:

Sierra Club Atlantic Chapter;
Adirondack Wild: Friends of the Forest Preserve;
Attorneys for Adirondack Council, Inc.; and
Protect the Adirondacks.

Pursuant to State regulation at 9 NYCRR 580.5 the project sponsor is a party to the public hearing and State regulations at 9 NYCRR 580.6 set forth duties of the Agency staff that effectively make Agency staff a party to the public hearing. I have not received any statement in writing prior to the commencement of the hearing from any other party of right to the hearing stating that they formally wish to be named as a party.

In a letter ruling dated December 22, 2025, I noted that the Agency's regulations allow the Hearing Officer to require additional information and provide that the Hearing Officer "shall allow other parties to be heard with respect to the petition" (9 NYCRR 580.7[b]). I directed the parties and prospective parties to submit any comments or opposition to the petitions for party status in writing to me and upon notice to petitioners and the other parties on or before January 6, 2026.

On December 23, 2025, I received a response letter from Agency hearing staff indicating that Agency hearing staff took "no position" on the four petitions for party status. Additionally, APA hearing staff requested that any proposed issues contained in the petitions for party status be reviewed and considered separate from the petitions for party status at a pre-hearing conference as contemplated by State regulations at 9 NYCRR 580.9.

On January 6, 2026, I received a response from Applicant's counsel titled "Sponsor's Opposition to the Petition to Intervene Filed by Adirondack Wild: Friends of the Forest Preserve" (Sponsor's Opposition) (*see Appendix*).

II. Legal Framework

The determination whether to grant a petitioner party status is based upon the following and a petition shall:

- (1) if submitted by an organization, state the nature and purpose of the organization, number of members, organizational structure, history of formation and legal nature, and include a copy of any charter, certificate of incorporation, bylaws, constitution or the like;
- (2) demonstrate capacity to participate in administrative proceedings and to supply information or expertise relative to matters likely to be considered at the hearing;
- (3) state whether the petitioner has participated in any previous legal or administrative proceedings similar to those conducted by the agency;
- (4) state the petitioner's relationship to the matters involved, the

nature of the evidence or argument he intends to present, and any other matter the petitioner believes relevant to granting the petition;

(5) demonstrate that the petitioner has a material social, economic or environmental interest which is likely to be affected by the agency decision concerning the project.

(9 NYCRR 580.7[a]).

The regulations provide that the Executive Director of the Agency or the Hearing Officer may "require additional information from the petitioner, including evidence in support of the petition and shall allow other parties to be heard with respect to the petition" and may "conduct an inquiry into any issues arising from the petition, which will be made a part of the record of the hearing" (9 NYCRR 580.7[b]). The regulations further provide that the Executive Director of the Agency or the Hearing Officer shall "grant or deny the petition within five business days of its receipt, or the receipt of such additional information or testimony as has been requested" and "shall grant the petition if he [or she] finds that the petitioner has an interest described in paragraph (a)(5) of this section, or that granting party status to the petitioner is necessary to or would further the purpose of the hearing" (9 NYCRR 580.7[c-d]). Lastly, in granting a petition the Executive Director or Hearing Officer "may limit the participation of the petitioner to areas in which [their] expertise would prove beneficial" or their interests may be affected (9 NYCRR 580.7[e]).

III. Discussion

With the above in mind, I will address the merits of each petition in turn.

A. Sierra Club Atlantic Chapter

Sierra Club Atlantic Chapter's petition for intervention (Sierra Club Petition) was submitted by Roger Downs, Conservation Director, in a letter dated December 19, 2025 (Sierra Club Petition at pp. 1, 3).¹ The Sierra Club Petition describes the nature and purpose of the organization as being a volunteer-led environmental organization with 37,000 members in New York that is dedicated to protecting New York's air, water and remaining wild places (*id.* at p. 1). The Atlantic Chapter is part of the national Sierra Club, a California not-for-profit formed in 1892, and the Sierra Club Petition includes a link to Sierra Club's articles of incorporation (*id.*). The Sierra Club Petition includes the information required by the intervention regulation at 9 NYCRR 580.7(a)(1).

The Sierra Club Petition states that members of the Sierra Club Adirondack Committee have supported the purpose of the Agency since its inception in 1971, and have participated in land classification input, public hearings, and public comment opportunities (Sierra Club Petition at p. 2). Sierra Club Atlantic Chapter members and experts would provide information regarding the environmental and recreational uses of the area surrounding the Proposed Project, as well as

¹ Although the petition was signed by Roger Downs, Conservation Director, it was submitted via email to me for consideration by Todd. D. Ommen, Managing Attorney – Pace Environmental Litigation Clinic.

the nature, purpose and history of the Adirondack Park more broadly (*id.*). The Sierra Club Petition demonstrates Sierra Club Atlantic Chapter's capacity to participate in administrative proceedings and supply information and expertise relative to matters likely to be considered at the hearing (*see* 9 NYCRR 580.7[a][2]).

The Sierra Club Petition states that Sierra Club has participated in public commentary and hearings pertaining to the creation of a prison in the Village of Tupper Lake, the Adirondack Club and Resort, the land classification of lands surrounding Little Tupper Lake, and the classification of lands in the Boreas Pond Tract (Sierra Club Petition at p. 2). The Sierra Club Petition demonstrates that Sierra Club has participated in previous legal or administrative proceedings similar to those conducted by the Agency (*see* 9 NYCRR 580.7[a][3]).

The Sierra Club Petition states that the proposed howitzer testing range is located within the Adirondack Park, and within the "State-managed Taylor Pond Management Complex," and would therefore have an impact on all Sierra Club members who visit those lands (Sierra Club Petition at p. 2). The Sierra Club Petition states that the Sierra Club will present written testimony regarding whether the Proposed Project is a compatible use with the Rural Use land classification and whether the Proposed Project will create undue ecological impacts (*id.*). The Sierra Club Petition states petitioner's relationship to the matters involved and the nature of the evidence or argument Sierra Club intends to present (*see* 9 NYCRR 580.7[a][4]).

Lastly, the Sierra Club Petition asserts that Sierra Club has both social and environmental interests which are likely to be affected by the Agency decision concerning the Proposed Project because Sierra Club members who hike, hunt, or birdwatch in the area will be deterred from doing so by the disruption of solitude caused by the howitzer blasts, and the disruption of opportunities to observe wildlife caused by the howitzer blast, and by the potential decline in wild bird populations and breeding disruption caused by the howitzer blasts (Sierra Club Petition at pp. 2-3). The Sierra Club Petition demonstrates that Sierra Club has a material social and environmental interest which is likely to be affected by the Agency's decision concerning the Proposed Project (*see* 9 NYCRR 580.7[a][5]).

In light of the above, I find that Sierra Club Atlantic Chapter's petition satisfies the requirements for intervention set forth in State regulations at 9 NYCRR 580.7(a) and that granting party status to Sierra Club Atlantic Chapter would further the purpose of the hearing as called for in the intervention regulation at 9 NYCRR 580.7(d).

B. Adirondack Wild: Friends of the Forest Preserve

Adirondack Wild: Friends of the Forest Preserve's (Adirondack Wild) petition for intervention (Adirondack Wild Petition) was submitted by David Gibson, Managing Partner, in a letter dated December 17, 2025 (Adirondack Wild Petition at pp. 1, 3). The Adirondack Wild Petition describes the nature and purpose of the organization as being a not-for-profit organization incorporated in New York State and employing advocacy to protect the Adirondack Park's interconnected public and private wildlands from threats, document wildland mismanagement, hold officials accountable, and propose policy reforms for improved conservation, protection, and connectivity of Adirondack Park wildlands (*id.* at pp. 1-2). The

Adirondack Wild Petition relates that Adirondack Wild has "historic roots within Friends of the Forest Preserve founded in 1945 by Paul Schaefer," was re-organized in 2010 and has a board of directors, an advisory board, 1000 members and two full-time staff (Adirondack Wild Petition at p. 2). Adirondack Wild submitted a copy of the By-Laws of Friends of the Forest Preserve, Inc. (Friends of the Forest Preserve, Inc. By-Laws adopted September 30, 2025).

In the Sponsor's Opposition to Adirondack Wild's petition to intervene, the Project Sponsor contends that Adirondack Wild's petition should be denied because it fails to provide sufficient information about the history of its formation and the history of its legal nature and failed to include "a copy of any charter, certificate of incorporation, by-laws, constitution or the like" as required by State regulation at 9 NYCRR 580.7(a)(1) (Sponsor's Opposition at pp. 2-3). Although Adirondack Wild's petition is brief on these points, it does sufficiently describe the nature and purpose of the organization, its number of members, organizational structure and the history of its formation and legal nature (Adirondack Wild Petition at pp. 1-2). Furthermore, Adirondack Wild submitted a copy of the By-Laws of Friends of the Forest Preserve, Inc., which states among other things that the organization may do business as "Adirondack Wild, or Adirondack Wild: Friends of the Forest Preserve" (Friends of the Forest Preserve, Inc. By-Laws adopted September 30, 2025). Accordingly, I find that the Adirondack Wild Petition includes the information required by the intervention regulation at 9 NYCRR 580.7(a)(1).

With respect to the question of whether a petitioner demonstrated the capacity to participate in administrative proceedings and supply information or expertise relative to matters likely to be considered at this hearing, Adirondack Wild's petition states that the organization is "very familiar with and a frequent participant in APA administrative proceedings," submits information and expertise in the form of monthly comments to the Agency, and regularly comments on new land use and development applications, including projects proposed within the Rural Use classification at issue herein (Adirondack Wild Petition at p. 2). Furthermore, the Adirondack Wild Petition states that Adirondack Wild participates in Agency legislative hearings on proposed variances and participated in "months of verbal and written public comment" regarding amendments to the Adirondack Park State Land Master Plan (*id.*). Additionally, Adirondack Wild was an intervenor and party to the most recent public hearing conducted by the Agency, which considered the Adirondack Club and Resort project in 2011 (*id.*). In the Sponsor's Opposition to Adirondack Wild's petition to intervene, the Project Sponsor contends that Adirondack Wild's petition should be denied because it fails to demonstrate its capacity to participate in administrative proceedings (Sponsor's Opposition at pp. 3-4). However, in light of the above, I disagree and find that the Adirondack Wild Petition demonstrates Adirondack Wild's capacity to participate in administrative proceedings, and that the Adirondack Wild Petition states whether petitioner has participated in previous legal or administrative proceedings similar to those conducted by the Agency (*see* 9 NYCRR 580.7[a][2]-[3]).

Sponsor's Opposition also contends that the Adirondack Wild Petition is "devoid of any allegation of proof that it can supply information or expertise relative to matters likely to be considered at the hearing" (Sponsor's Opposition at pp. 3-4). However, in addition to stating that the organization regularly submits written and oral comments to the Agency on a variety of projects and administrative actions, the Adirondack Wild Petition describes the factual, legal and policy arguments Adirondack Wild intends to make at the hearing with respect to the impacts of

the Proposed Project (*see* Adirondack Wild Petition at pp. 2-3). I find that the Adirondack Wild Petition demonstrates Adirondack Wild's capacity to supply information and expertise relative to matters likely to be considered at the hearing (*see* 9 NYCRR 580.7[a][2]).

The Adirondack Wild Petition states that Adirondack Wild's program "is focused on conservation of wildlands for the interconnected public and private landscapes of the Adirondack Park, [and] we are especially concerned about the relationship of the howitzer cannon testing with adjacent Forest Preserve located just hundreds of yards away at the closest point" (Adirondack Wild Petition at p. 2). Elsewhere in the petition, Adirondack Wild asserts that the Proposed Project will have potential noise impacts that threaten the peace, tranquility, character, solitude, wildlife, and open space values of the Adirondack Park Forest Preserve and that approval of the Proposed Project "threatens to industrialize and pollute this Rural Use area with new, very loud sound forces, negatively impacting adjacent private property, nearby homes, and public land resources" (*id.*). Accordingly, I find that the Adirondack Wild Petition states petitioner's relationship to the matters involved, and the nature of the evidence or argument Adirondack Wild intends to present (*see* 9 NYCRR 580.7[a][4]).

Lastly, the Adirondack Wild Petition asserts that Adirondack Wild has both social and environmental interests which are likely to be affected by the Agency decision concerning the Proposed Project because the organization has demonstrated a "strong interest in defending the 'forever wild' constitutional protections and wilderness values of the Forest Preserve" (Adirondack Wild Petition at p. 3). Additionally, and relevant to a contrary argument asserted in the Sponsor's Opposition, Adirondack Wild's By-Laws contain a mission statement that declares it's mission is to "advance New York's 'forever wild' legacy and Forest Preserve policies in the Adirondack and Catskill Parks, and promote public and private land stewardship that is consistent with wild land values through education, advocacy and research" (Friends of the Forest Preserve, Inc. By-Laws adopted September 30, 2025). The Adirondack Wild Petition demonstrates that Adirondack Wild has a material social and environmental interest which is likely to be affected by the Agency's decision concerning the Proposed Project (*see* 9 NYCRR 580.7[a][5]).

In light of the above, I find that Adirondack Wild's Petition satisfies the requirements for intervention set forth in State regulations at 9 NYCRR 580.7(a) and that granting party status to Adirondack Wild would further the purpose of the hearing as called for in the intervention regulation at 9 NYCRR 580.7(d).

C. The Adirondack Council, Inc.

The Adirondack Council, Inc.'s (Adirondack Council) petition for intervention (Adirondack Council Petition) was submitted by Philip H. Gitlen, Esq., Paul Van Cott, Esq. and Anna V. Seitelman, Esq. of the law firm Whiteman Osterman & Hanna LLP in a pleading dated December 19, 2025 (Adirondack Council Petition at pp. 1, 12). The Adirondack Council Petition describes the nature and purpose of the organization as being a "privately funded, nonprofit organization dedicated to protecting the ecological integrity and wild character of the Adirondack Park" (*id.* at p. 1). Founded in 1975, it "advances its mission through research, public education, advocacy, environmental monitoring, and, when necessary, legal action" (*id.*).

The Adirondack Council was formed in 1975 as a coalition of national and regional environmental organizations, and the petition includes a copy of its certificate of incorporation filed on December 12, 1977 (Adirondack Council Petition at pp. 3-4, Ex. A). The Adirondack Council Petition also includes a copy of the organization's By-Laws as revised dated July 2025 (Adirondack Council Petition at p. 4, Ex. B). The Adirondack Council Petition states that the organization has offices in Elizabethtown, Keene, and Saranac Lake within the Adirondack Park and in Albany and consists of over 5,000 members residing in all 50 states and the District of Columbia (*id.* at p. 4). The Adirondack Council Petition includes the information required by the intervention regulation at 9 NYCRR 580.7(a)(1).

The Adirondack Council Petition describes the organization's expertise and participation in prior proceedings in some detail (Adirondack Council Petition at pp. 4-7). The Adirondack Council Petition states that the Adirondack Council has "relevant in-house expertise from its staff" and would "retain subject matter experts as needed to participate fully" in the public hearing (*id.* at p. 5). The Adirondack Council Petition lists a range of projects and matters the Adirondack Council has participated in from as early as 1987 to today by acting with party status, filing amicus briefs, commissioning reports and papers and commenting and advocating on proposed legislation and regulation (*id.* at pp. 5-6). I find that the Adirondack Council Petition demonstrates the Adirondack Council's capacity to participate in administrative proceedings by providing examples of its history of doing so and to supply information and expertise relative to matters likely to be considered at the hearing (see 9 NYCRR 580.7[a][2]).

The Adirondack Council Petition states that the Adirondack Council was granted full party status in the APA public hearing for the Adirondack Club and Resort in 2011 and the Saratoga County Emergency Towers adjudicatory hearing in 2005 (Adirondack Council Petition at p. 5). Additionally, the Adirondack Council Petition states that the Adirondack Council submitted amicus briefs in a matter before the New York State Court of Appeals involving Class II community connector snowmobile trails and a Civil Practice Law and Rules Article 78 challenge filed by the Lake George Association against the APA (*id.*). The Adirondack Council Petition demonstrates that the Adirondack Council has participated in previous legal or administrative proceedings similar to those conducted by the Agency (see 9 NYCRR 580.7[a][3]).

Concerning the question of the petitioner's relationship to the matters involved and the nature of the evidence or arguments it intends to present, the Adirondack Council states that the hearing "provides a critical opportunity for APA to fully examine the environmental, community, and policy implications of the proposed howitzer testing range" and that the Adirondack Council's participation in the hearing would "assist the Agency by offering informed, science-driven perspectives and informed argument focused on long-term protection of the [Adirondack] Park and the proper implementation of governing law" (Adirondack Council Petition at p. 7). The Adirondack Council Petition states that based on its own "land use planning and environmental policy expertise and potentially through relevant subject matter experts" it would offer evidence and argument to the hearing record on the issues of whether the Proposed Project is consistent with the Adirondack Land Use and Development Plan, whether the Proposed Project is compatible with the description, purposes, policies and objectives of the Rural Use land use area, and whether the Proposed Project would cause undue adverse impact on

public and private Adirondack Park resources (*id.* at pp. 7-11). Furthermore, the Adirondack Council Petition describes specific concerns the Adirondack Council has with the Applicant's sound analysis that it intends to submit evidence and argument upon (*id.* at pp. 9-11).

Accordingly, I find that the Adirondack Council Petition states petitioner's relationship to the matters involved, and the nature of the evidence or argument the Adirondack Council intends to present (*see* 9 NYCRR 580.7[a][4]).

Lastly, the Adirondack Council Petition asserts that the Adirondack Council has material environmental and other interests which are likely to be affected by the Agency decision concerning the Proposed Project because as a long time advocate for "the proper administration of the APA Act" it has a "significant stake" in ensuring that proposed land uses on private land in the Adirondack Park are consistent with the Adirondack Park Land Use and Development Plan (Adirondack Council Petition at p. 11). Furthermore, the Adirondack Council's petition asserts that projects that do not meet approval criteria "threaten the statutory fabric" for ensuring that land use and development meets the purposes of the APA Act and that the Adirondack Council is dedicated to protecting the "ecological integrity, natural quiet, wildlife habitat, and wilderness character of the Adirondack Park" (*id.*). The Adirondack Council Petition asserts that these issues "strike at the core of the [Adirondack] Council's mission and interests of its members" (*id.*). I find that the Adirondack Council Petition demonstrates that the Adirondack Council has a material environmental interest which is likely to be affected by the Agency's decision concerning the Proposed Project (*see* 9 NYCRR 580.7[a][5]).

In light of the above, I find that the Adirondack Council's petition satisfies the requirements for intervention set forth in State regulations at 9 NYCRR 580.7(a) and that granting party status to the Adirondack Council would further the purpose of the hearing as called for in the intervention regulation at 9 NYCRR 580.7(d).

D. Protect the Adirondacks

Protect the Adirondacks! Inc.'s (PROTECT's) petition for intervention (PROTECT Petition) was submitted by Christopher A. Amato, Esq, Conservation Director and Counsel, and Claudia K. Braymer, Esq. in a pleading with cover letter dated December 17, 2025 (PROTECT Petition at pp. i, 1, 12). The PROTECT Petition describes the nature and purpose of the organization as a New York not-for-profit corporation managed by a Board of Directors (*id.* at p. 2). It is a grassroots membership organization "dedicated to the protection, stewardship, and sustainability of the natural environment and human communities of the Adirondack Park and the Forest Preserve for current and future generations" (*id.*). The PROTECT Petition states that PROTECT was formed in 2009 by consolidating two existing organizations, the Association for the Protection of the Adirondacks and the Residents' Committee to Protect the Adirondacks, Inc. (*id.*). The PROTECT Petition states that the organization has offices inside the Adirondack Park in Johnsburg, New York, staff, including an Executive Director, a Conservation Director, and a Fundraising Coordinator, and approximately 2000 members, many of whom reside within the Adirondack Park (*id.* at pp. 2-3). The PROTECT Petition includes a copy of PROTECT's By-Laws and a link to its mission statement (*id.* at p. 2, Ex. A). The PROTECT Petition includes the information required by the intervention regulation at 9 NYCRR 580.7(a)(1).

PROTECT's petition describes the organization's capacity to participate in administrative proceedings and supply information or expertise relative to matters to be considered at the hearing by relating that the organization "has a long history of advocacy before APA concerning both private land and Forest Preserve issues" and that it has submitted detailed comments and expert reports on several recent private land development applications (PROTECT Petition at pp. 3-6). Additionally, the PROTECT Petition states that PROTECT has filed multiple legal challenges to actions undertaken or approved by the APA (*id.* at pp. 5-6). I find that the PROTECT Petition demonstrates PROTECT's capacity to participate in administrative proceedings by providing examples of its history of doing so and to supply information and expertise relative to matters likely to be considered at the hearing (*see* 9 NYCRR 580.7[a][2]).

In addition to the actions described above, PROTECT's petition notes that the organization was granted party status in the most recent public hearing conducted by the APA, for the Adirondack Club and Resort project, and initiated a legal challenge to APA's approval of such project following the hearing (PROTECT Petition at p. 6). The PROTECT Petition demonstrates that PROTECT has participated in previous legal or administrative proceedings similar to those conducted by the Agency (*see* 9 NYCRR 580.7[a][3]).

Concerning the question of the petitioner's relationship to the matters involved and the nature of the evidence or arguments it intends to present, PROTECT's petition asserts that it intends to submit testimony on all three issues referred to hearing by the Agency: (i) compatibility with the Adirondack Park; (ii) compatibility with Rural Use areas; and (iii) undue adverse impacts on the resources of the Adirondack Park (PROTECT Petition at p. 7). PROTECT further asserts that each issue is "directly related to PROTECT's mission to ensure that development of private lands complies with the APA Act and protects the Park's human communities, wildlands, wildlife and scenic character" (*id.*). PROTECT's Petition goes into some detail regarding specific aspects of evidence, testimony, and expert testimony it intends to put on record regarding each issue referred to the hearing by the Agency, including naming specific proposed witnesses and consulting firms (*id.* at pp. 7-11).² Accordingly, I find that the PROTECT Petition states petitioner's relationship to the matters involved, and the nature of the evidence or argument PROTECT intends to present (*see* 9 NYCRR 580.7[a][4]).

Lastly, PROTECT asserts that it has demonstrated that it has an interest that will be affected by the Agency's decision concerning the Proposed Project in the body of its petition and that PROTECT and its membership, including "70 members from Essex county," work to ensure that the "public and private lands in the Adirondack Park are managed in accordance with the New York State Constitution, the Adirondack Park State Land Master Plan, applicable Unit Management Plans, and the APA Act" (PROTECT Petition at p. 11-12). PROTECT contends that this is the first adjudicatory hearing held by the Agency in over 14 years and PROTECT has an interest in this important event by providing "testimony and evidence to support and enhance the APA Boards's review of and decision making" on the proposed action (*id.* at p. 12). I find that the PROTECT Petition demonstrates that PROTECT has a material environmental interest which is likely to be affected by the Agency's decision concerning the Proposed Project (*see* 9

² PROTECT's petition also offers an additional issue to be considered at the public hearing regarding Applicant's compliance with its existing APA permit, however I will reserve on making a ruling on this submission as set forth below (*see* PROTECT Petition at p. 11).

NYCRR 580.7[a][5]).

In light of the above, I find that PROTECT's petition satisfies the requirements for intervention set forth in State regulations at 9 NYCRR 580.7(a) and that granting party status to PROTECT would further the purpose of the hearing as called for in the intervention regulation at 9 NYCRR 580.7(d).

IV. Ruling

Each of the four petitioning organizations have filed an acceptable petition pursuant to the intervention regulations at 9 NYCRR 580.7, stated the nature and purpose of the organization, demonstrated a capacity to participate in administrative proceedings, stated whether they have participated in similar legal or administrative proceedings, stated their relationship to the matters involved, described the nature of the evidence and argument they intend to present, and demonstrated that they have a material social, economic or environmental interest which is likely to be affected by the Agency's decision concerning the Proposed Project (*see* 9 NYCRR 580.7[a-g]). Therefore, they meet the requirements for full party status under 9 NYCRR 580.7. The petitions for full party status filed by Sierra Club Atlantic Chapter, Adirondack Wild: Friends of the Forest Preserve, Adirondack Council, Inc. and PROTECT are each granted.

With respect to the request of PROTECT to add an issue for consideration to the public hearing, I will defer ruling on the additional issue until the parties are able to conduct a pre-hearing issues conference as contemplated by the hearing regulations at 9 NYCRR 580.8, which allow the Hearing Officer to direct the parties to appear for a conference to "simplify, define, limit or resolve issues" (*see* PROTECT Petition at p. 11).

V. Appeals

Any decision of the Executive Director or the Hearing Officer to grant or deny intervention may, within five days of receipt, be appealed to the Agency, which will decide the appeal at its next regular meeting. Other parties may submit briefs in support of or in opposition to the decision (9 NYCRR 580.7 [f][1]; *see also* 9 NYCRR 580.7[f][2]).



David N. Greenwood
APA Hearing Officer

Dated: January 12, 2026
Albany, New York

To: Attached Service List
Appendix: Ruling on Petitions for Party Status Record

APPENDIX

APA Project No. 2021-0276 Public Hearing Ruling on Petitions for Party Status Record

Petitions for Intervention

1. Sierra Club Atlantic Chapter Petition for Party Status letter dated December 19, 2025
2. Adirondack Wild: Friends of the Forest Preserve Petition letter dated December 17, 2025
Attachment: Friends of the Forest Preserve, Inc. By-Laws adopted September 30, 2025
3. Petition for Intervention by Adirondack Council, Inc. dated December 19, 2025
Exhibit A: Certificate of Incorporation of The Adirondack Council, Inc. filed December 12, 1977
Exhibit B: By-Laws of The Adirondack Council, Inc. as amended through July 10, 2025
4. Petition to Intervene of Protect the Adirondacks! Inc. with cover letter dated December 17, 2025
Exhibit A: By-Laws of Protect the Adirondacks! Inc. adopted May 4, 2024

Responses to Petitions

1. Letter Response of APA Hearing Staff dated December 23, 2025
2. Sponsor's Opposition to the Petition to Intervene Filed by Adirondack Wild: Friends of the Forest Preserve dated January 6, 2026

Other Documents

1. APA Project Order 2021-0276 issued November 14, 2025
2. Hearing Officer Appointment Letter dated November 20, 2025
3. Notice of Public Hearing to be commenced December 22, 2025 Project No. 2021-0276 published December 10, 2025
4. Hearing Officer Letter Ruling – Petitions for Intervention Seeking Party Status dated December 22, 2025

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APA 2021-0276 Public Hearing
Unconventional Concepts, Inc. and Michael Hopmeier

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