
In the Matter of Application of

APA Project No. 2021-0276

Unconventional Concepts, Inc. and Michael Hopmeier.

APA Hearing Officer
David N. Greenwood

**SPONSOR'S APPEAL OF THE RULING GRANTING
ADIRONDACK WILD:FRIENDS OF THE FOREST PRESERVE PARTY-STATUS**

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I. Preliminary Statement

Sponsor, Michael Hopmeier, through his attorneys, Norfolk Beier PLLC, pursuant to 9 NYCRR §580.7(f), appeals to the Executive Director of the Adirondack Park Agency (hereinafter referred to as the “APA”) the Ruling on Petitions for Party Status, dated January 12, 2026 (hereinafter referred to as the “Ruling”), of David N. Greenwood, Hearing Officer. Sponsor appeals those parts of the Ruling which granted the petition to intervene filed by Adirondack Wild – Friends of the Forest Preserve (hereinafter referred to as “Adk Wild”), thus granting it party status in this administrative proceeding. Sponsor respectfully requests the Executive Director reverse those parts of the Ruling granting Adk Wild’s petition to intervene, and deny its petition in its entirety, or, alternatively, limit the participation of Adk Wild.

II. Adk Wild’s Petition Was Deficient and Failed to Satisfy the Requirements for Obtaining Party Status.

An intervenor petition for party status in an APA public hearing, pursuant to 9 NYCRR §580.7(a), 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.

Here, the Hearing Officer erred in ruling Adk Wild's petition to intervene satisfied these requirements.

First, Adk Wild failed to provide sufficient information of its formation and history of its legal nature. The Hearing Officer erred by not requiring additional information from Adk Wild. Pursuant to 9 NYCRR §580.7(b), "[t]he executive director or 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. He may conduct an inquiry into any issues arising from the petition, which will be made a part of the record of the hearing."

Sponsor, in its opposition papers, argued that Adk Wild's petition was materially deficient, providing only barebones and unsubstantiated information. The Hearing Officer agreed that the petition is "brief" as to 9 NYCRR §580.7(a)(1) and that he had the authority to request additional information and evidence in support of the petition. The Hearing Officer erred in failing to request additional information and evidence, when he had the ability to do so, and such a request was warranted, if not required, after being presented with Adk Wild's brief and deficient petition.

Second, Adk Wild's petition fails to demonstrate its capacity to participate and supply information or expertise relative to matters likely to be considered in this hearing. Adk Wild merely alleges that it (1) often submits public comments to the APA, and (2) that it has the capacity to participate in the proceeding because it participated in an adjudicatory hearing in 2011 in connection with an unrelated development project involving the Adirondack Club and Resort. Anyone can submit a public comment, and participation in an unrelated hearing 15 years ago does not demonstrate a present capacity to participate. The Hearing Officer erred in finding satisfaction of the requirement of 9 NYCRR §580.7(a)(2).

Third, Adk Wild's petition fails to demonstrate it has a material social, economic, or environmental interest which is likely to be affected by the APA's decision concerning the project. All that has been presented is an unsworn statement that amounts to an assertion that Adk Wild is concerned about the conservation of wild lands in the Adirondack Park and the relationship of the gun-testing with adjacent Forest Preserve land. This is insufficient for granting party status.

Indeed, it appears Adk Wild's purpose in involving itself in this hearing is to pursue an agenda unrelated to the project at hand. In its petition at 2, Adk Wild states, "Adirondack Wild has long advocated for greater protection of Rural Use areas consistent with the APA Act." It goes on to discuss its interest in preventing "military-style weapons testing" as uses in this land use classification. Adk Wild's dissatisfaction with the APA's land use classifications is better addressed to the Agency and amendment of their laws and regulations—not in this hearing which is limited in scope to project application.

Fourth, Adk Wild's concerns focus largely on state land management, which is primarily the responsibility of the Department of Environmental Conservation (DEC). The Hearing Officer erred in dismissing this concern. Adk Wild failed to demonstrate how its participation as a party would further the purpose of the hearing. Pursuant to 9 NYCRR §580.7(d), "[t]he executive director or hearing officer shall grant the petition if he 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."

Adk Wild neither satisfies the requirements of 9 NYCRR §580.7(a), nor does granting it party status further the purpose of the hearing per §580.7(d). There are three other environmental advocacy groups already in this proceeding, with party-status, all furthering their purpose of natural resources protection and conservation. Adk Wild and its mission is too far attenuated from

this project to be a necessary party, states nothing relevant it can provide, and, indeed, cannot provide anything useful without being needlessly redundant.

III. Alternatively, the Hearing Officer Should Have Limited the Participation of Adk Wild.

Pursuant to 9 NYCRR §580.7(e), “[i]n granting the petition, the executive director or hearing officer may limit the participation of the petitioner to areas in which his expertise would prove beneficial or in which his interests may be affected.”

In ruling Adk Wild should be granted party status, The Hearing Officer erred in not limiting its participation. As explained in the Ruling, Adk Wild’s mission is protection of the Forest Preserve. Adk Wild should not be able to participate or offer expertise on any other matter in this hearing that does not directly and narrowly affect potential harm to the Forest Preserve.

Wherefore, the Sponsor hereby requests that the Agency reverse the Hearing Officer’s Ruling granting Adk Wild’s petition to intervene, and deny the petition in its entirety, or, alternatively, limit the participation of Adk Wild, together with such other and further relief the Agency deems appropriate and justified.

Dated: January 20, 2026
Lake Placid, New York

Norfolk Beier PLLC

A handwritten signature in blue ink, appearing to read "Matthew D. Norfolk", is written over a horizontal line.

By: _____
Matthew D. Norfolk, Esq.