

STATE OF NEW YORK  
ADIRONDACK PARK AGENCY

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In the Matter of the Application of

APA Project No. 2021-0276

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL  
HOPMEIER,

APA Hearing Officer  
David N. Greenwood

**Response to Intervenors’  
Discovery Demands**

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Unconventional Concepts, Inc. and Michael Hopmeier (hereinafter collectively referred to as “Applicants”), by and through their attorneys, Norfolk Beier PLLC, as and for his response to the demands of Sierra Club Atlantic Chapter, Adirondack Council, Inc., Protect the Adirondacks, and Adirondack Wild: Friends of the Forest Preserve (collectively referred to herein as “Intervenors”) in their Intervenors’ Combined Interrogatories and Demands for Discovery and Inspection, dated April 8, 2026, respond as follows:

**GENERAL RESPONSES AND OBJECTIONS**

Unless otherwise indicated, the following objections apply to each of the demands for documents or information as set forth in the demands:

A. Applicants object to the demands to the extent that they appear to require disclosure of information beyond the permissible scope of discovery.

B. Applicants object to the demands to the extent they appear to require the disclosure of information prepared in anticipation of litigation, subject to claim of privilege, which is exclusive and private under the attorney-work doctrine. Any unintentional disclosure or production of documents subject to such protections and privileges shall not waive Applicants’ rights to those privileges.

C. Applicants object to the demands to the extent they are vague, ambiguous, overly

broad, unlimited in scope, unduly burdensome, redundant, and improper.

D. Applicants object to the demands to the extent that they seek information immaterial or unnecessary within the course of the subject hearing.

E. Applicants reserve the right to amend or supplement their responses herein.

F. Applicants object to the demands to the extent that they seek productions of documents or information already in the possession, custody or control of Intervenors or their attorneys.

G. Applicants object to the number of demands as excessive and onerous.

H. Applicants object to any demands that do not set forth a defined time period for the production of the documents or information requested.

I. Applicants incorporate each and every general objection and reservation into the responses contained herein.

### **RESPONSES TO DEMANDS**

1. For the period January 1, 2021 to the date of response to this discovery request:
  - (a) identify and produce all contracts, subcontracts, agreements, proposals, bids, or other arrangements that Applicants have entered into, sought, or pursued with any entity, including but not limited to the United States military, concerning the Application or the Project Site. For each such matter, state the parties, date, status, and subject matter.

**RESPONSE:** Applicants object to Demand No. 1(a) on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.

- (b) identify and produce all documents concerning or relating to the termination, cancellation, or suspension of any contract or agreement between the Applicants

and the United States military or any subdivision, department or entity thereof.

**RESPONSE: Applicants object to Demand No. 1(b) on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.**

2. State in detail the factual and evidentiary basis for Applicants' claim that the proposed howitzer testing range will assist with military readiness, including identification of all documents, studies, analyses, communications with any military or governmental entity, and persons supporting such claim.

**RESPONSE: Applicants object to Demand No. 2 on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.**

3. In a response to a February 20, 2022 notice of incomplete application from the APA (NIPA), the Applicants refer to a proposal submitted by the Applicants to the U.S. Army for testing howitzers. Identify and produce all documents concerning or relating to that proposal.

**RESPONSE: Applicants object to Demand No. 3 on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.**

4. In the same response to the February 20, 2022 NIPA, the Applicants refer to a subcontract issued by the U.S. Army to Applicants to conduct the work specified in UCI's proposal. Identify and produce all documents concerning or relating to that subcontract.

**RESPONSE: Applicants object to Demand No. 4 on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.**

5. In the same response to the February 20, 2022 NIPA, the Applicants refer to a "decision by the Army Program Manager through the acquisition process." Identify and produce

all documents concerning or relating to that decision.

**RESPONSE:** Applicants object to Demand No. 5 on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Intervenors are directed to contact the Army Project Manager as Applicants are not authorized to release the requested documents.

6. Between December 2021 and February 2022, APA issued a NIPA requesting that the Applicants “please explain why this testing cannot be performed on site at the Watervliet Arsenal, or one of the Army’s existing testing facilities or other existing facility with infrastructure already in place.” In reply, the Applicants stated that “*other sites beyond the one proposed in this application were considered.*” Identify each of the “other sites” referenced and identify and produce all documents concerning or related to the Applicants’ or other parties’ consideration or evaluation of other sites beyond the one proposed in the application.

**RESPONSE:** Applicants object to Demand No. 6 on the grounds that it is overly broad, unduly burdensome, and seeks documents that are already in the requesting party’s possession, custody, or control, rendering the request duplicative and not proportional to the needs of the case. Subject to and without waiving the foregoing, see the Applicant’s permit application submitted to the Adirondack Park Agency for APA Project No. 2021-0276, including the original submission dated November 19, 2021, and all amendments, revisions, supplements, and responses to Notices of Incomplete Permit Application submitted thereafter (hereinafter referred to as the “Application”) in Attachment B folder.

7. In a February 10, 2022, response to an APA staff NIPA, the Applicants stated that “*it would be impractical to move the testing to a location farther from our existing facility, as doing so would not allow ready access to the secure storage and specialized instrumentation located at our facility.*” Identify and produce all documents concerning or relating to “secure storage” and “specialized instrumentation” at the Project Site.

**RESPONSE:** Applicants object to Demand No. 7 on the grounds that it seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.

8. In the same February 2022 response to the APA staff NIPA, the Applicants stated that the proposed facility in Lewis would “*provide significant commercial and economic benefits.*” Identify and produce all documents concerning or relating to this claim or containing descriptions, data, numbers, and analysis of such benefits.

**RESPONSE: Applicants object to Demand No. 8 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, after a diligent search Applicants have not located any documents responsive to this demand in its possession, custody or control.**

9. In the same February 2022 response, the Applicants stated that by moving to an alternative testing location “*there would be no way to attract to the local community the type of highly qualified and trained personnel that have the potential to positively impact the community and its population.*” Identify and produce all documents or analyses supporting this claim or containing numbers, qualifications, job descriptions, and/or training standards of personnel needed at the proposed testing location.

**RESPONSE: Applicants object to Demand No. 9 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Attachment F folder.**

10. Pursuant to 9 NYCRR § 581-4.10, produce duplicates or color copies (rather than black-and-white photocopies) of all photographs, video recordings, digital photographs, drone footage, simulations, renderings, maps, and other visual depictions of the Project Site, and any related equipment, operations, storage areas, target areas, or testing areas, that were taken, developed, assembled or prepared from January 1, 2021 to the date of the response to this discovery demand.

**RESPONSE: Applicants object to Demand No. 10 as it is made pursuant to 9 NYCRR Part 581 which pertains to APA enforcement proceedings, which this public hearing is not. Subject to and without waiving the foregoing, see Application and NIPA responses in Attachment B folder.**

11. Identify and produce all or documents or communications concerning or relating to any sound, noise, ballistic, vibration or other testing conducted on or in the vicinity of the Project Site by the Applicants or by persons or entities acting on behalf of the Applicants.

**RESPONSE:** Applicants object to Demand No. 11 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see NIPA responses in the Application in Attachment B folder.

12. Produce all documents or communications relating to any sound, noise, ballistic, vibration or other similar testing conducted in connection with the proposed Project, whether conducted on or off the Project Site.

**RESPONSE:** Applicants object to Demand No. 12 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application and NIPA responses in Attachment B folder.

13. Identify and produce all documents or communications concerning or relating to any complaints concerning operations at the Project Site, submitted to or received by Applicants or otherwise in the possession, custody, or control of Applicants from January 1, 2021 to the present.

**RESPONSE:** Applicants object to Demand No. 13 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, after a diligent search Applicants have not located any documents responsive to this demand in its possession, custody or control.

14. Identify and produce all maps, surveys, plans, diagrams, or similar documents depicting the location, layout, boundaries, dimensions, or configuration of the proposed artillery firing range on the Project Site.

**RESPONSE:** Applicants object to Demand No. 14 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application and NIPA responses in Attachment B folder.

15. Identify and produce all maps, surveys, plans, diagrams, or similar documents depicting any property owned, leased, controlled, or proposed to be used by Applicants in connection with the proposed howitzer testing range.

**RESPONSE: Applicants object to Demand No. 15 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application and NIPA responses in Attachment B folder.**

16. Identify and produce all documents or communications between the Applicants, or persons or entities acting on behalf of the Applicants, and any elected officials, state or federal governmental officials, or public agencies relating to the Application or the Project.

**RESPONSE: Applicants object to Demand No. 16 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.**

17. Identify and produce all documents or communications between Applicants and any elected officials, state or federal government officials, and government subcontractors, pertaining to the health and safety impacts of the operation of the howitzer firing range at the proposed location and the health and safety impacts of the storage and transportation of all related equipment and supplies.

**RESPONSE: Applicants object to Demand No. 17 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.**

18. Produce all deeds for any property owned, leased, or controlled by Applicants in connection with the proposed howitzer testing range, and produce all leases, access agreements, licenses, or other agreements relating to any property involved in the Application.

**RESPONSE: Applicants object to Demand No. 18 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application in Attachment B folder.**

19. Produce the certificates of incorporation, articles of organization, operating agreements, by-laws and any similar organizational documents for Unconventional Concepts, Inc., and for any other entity that is an Applicant or that is a party to any contract, agreement, or arrangement relating to the Project Site.

**RESPONSE: See Attachment A folder.**

20. Identify and produce all documents or communications concerning or relating to any sponsorship, vendor, contractor, subcontractor, service, or supply agreements to which Applicants are a party and which relate to the Application or the Project.

**RESPONSE: Applicants object to Demand No. 20 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Attachment D folder.**

21. Identify and produce all rules, guidelines, policies, protocols, or regulations relating to construction, setup, firing, testing, safety, storage, transport, or access for the Project.

**RESPONSE: Applicants object to Demand No. 21 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information.**

22. Produce any calendar, schedule, log, list, or similar documents or communications detailing activities on the Project Site, including but not limited to construction, setup, firing, testing, storage, transportation, and related operations for the Project.

**RESPONSE: Applicants object to Demand No. 22 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand**

**in its possession, custody or control.**

23. Produce all website content, electronic postings, social media postings, comments, advertisements, press statements, or other public-facing materials created by or on behalf of Applicants relating to the Project, including any materials concerning sound, noise, testing, environmental impacts, military use, or the positions of Intervenors or other public opponents of the Project.

**RESPONSE: Applicants object to Demand No. 23 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.**

24. Identify and produce all documents or communications concerning or relating to the risk, probability, or possibility of projectiles misfiring or otherwise traveling off the Project Site during operation of the Project.

**RESPONSE: Applicants object to Demand No. 24 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.**

25. Describe and provide the dates of any land disturbance undertaken on the Project Site between January 1, 2021 and the date of any response to this discovery request. Identify and produce any documents or communications related thereto or referencing any such disturbance.

**RESPONSE: Applicants object to Demand No. 25 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.**

26. Identify and produce any documents or communications to or from any federal, state or local agency pertaining to any alleged or potential violations at the Project Site of any

federal, state or local laws, regulations or other requirements.

**RESPONSE:** Applicants object to Demand No. 26 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.

27. Identify and produce any documents or communications pertaining to any type of artillery or military equipment that may be used or tested as part of the Project.

**RESPONSE:** Applicants object to Demand No. 27 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Attachment E folder.

28. Identify and produce all studies, analyses, reports or other documents or communications concerning the environmental impacts of the proposed Project operations, including those concerning (i) emissions, discharges, or residues, (ii) soil contamination, (iii) water quality impacts, and (iv) pollutants and hazardous materials; and identify all the individuals and firms involved in such studies, analyses, or reports. For each such person, state the person's name, title, affiliation, and role.

**RESPONSE:** Applicants object to Demand No. 28 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application and NIPA responses in Attachment B folder.

29. Identify and produce all health and safety risk assessments or analysis or other documents or communications associated with the proposed Project operations, including the storage and transport of materials; and identify all the individuals and firms involved in such studies, analyses, or reports. For each such person, state the person's name, title, affiliation, and role.

**RESPONSE:** Applicants object to Demand No. 29 as vague, overbroad, unduly

**burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.**

30. Identify and produce all noise modeling of the proposed Project operations, including the methodology, assumptions, input data, validation assessments and mitigation analysis that were used to assess sound, noise, ballistic, vibration or other similar impacts, or other documents or communications pertaining thereto, on nearby residences, recreational users and nearby Wilderness and Wild Forest areas; and identify all the individuals and firms involved in such studies, analyses, or reports. For each such person, state the person's name, title, affiliation, and role.

**RESPONSE: Applicants object to Demand No. 30 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application and NIPA responses in Attachment B folder.**

31. Identify and produce all studies, analyses, or reports, or other documents or communications concerning the impacts on wildlife and ecology from the proposed Project operations, including those concerning endangered, threatened or rare species, species of special concern, migratory species and forest or habitat fragmentation; and identify all the individuals and firms involved in such studies, analyses, or reports. For each such person, state the person's name, title, affiliation, and role.

**RESPONSE: Applicants object to Demand No. 31 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.**

32. Identify and produce all studies, analyses or reports, or other documents or communications, pertaining to the Applicants' claimed benefits of the Project.

**RESPONSE:** Applicants object to Demand No. 32 as vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, seeks documents protected from disclosure by applicable national security laws and regulations governing classified materials, as well as proprietary, trade secret, and confidential business information. Subject to and without waiving the foregoing objections, after a diligent search, Applicants have not located any documents responsive to this demand in its possession, custody or control.

33. Identify and produce all studies, analyses or reports, or other documents or communications relating or pertaining to any potential impact of the Project on the economic value of adjoining or nearby properties..

**RESPONSE:** Applicants object to Demand No. 33 as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, see Application and NIPA responses in Attachment B folder.

Dated: Lake Placid, New York  
April 29, 2026

Norfolk Beier PLLC



By: \_\_\_\_\_

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