

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

APA Project No. 2021-0276

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

**SIERRA CLUB ATLANTIC CHAPTER'S RESPONSES AND OBJECTIONS TO
APPLICANTS' FIRST SET OF INTERROGATORIES**

Sierra Club Atlantic Chapter ("Sierra Club"), by and through its undersigned counsel, hereby responds and objects to Applicants' First Set of Interrogatories dated April 8, 2026, as follows. These responses are made for purposes of this proceeding only. By responding, Sierra Club does not concede the relevance, materiality, admissibility, discoverability, or proper scope of any interrogatory or requested information, nor does it waive any objection.

General Objections

Sierra Club objects to every interrogatory to the extent it seeks information that is irrelevant, immaterial, cumulative, overly broad, unduly burdensome, disproportionate, vague, ambiguous, not reasonably limited in scope or time, or otherwise outside the proper scope of discovery in this administrative proceeding.

Sierra Club further objects to every interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, attorney work-product doctrine, trial-preparation privilege, common-interest doctrine, consulting-expert protection, or any other applicable privilege, immunity, or protection.

Sierra Club further objects to every interrogatory to the extent it seeks premature disclosure of Sierra Club's prefiled testimony, hearing strategy, legal theories, expert opinions, or evidentiary presentation before the date established by the Hearing Officer for such disclosure.

Sierra Club further objects to every interrogatory to the extent it seeks information concerning internal organizational affairs, membership information, donor information, financial support, associational activity, or communications unrelated to the issues identified for adjudication in

this matter, including where disclosure would invade privacy interests or chill protected associational rights.

Sierra Club further objects to the definitions and instructions to the extent they purport to impose obligations broader than those required by applicable law, including, but not limited to, demands for “all” facts, “all” documents, “all” persons, information in the possession of counsel to the extent privileged, and perpetual supplementation beyond what is required by applicable rule or order.

Subject to and without waiving the foregoing General Objections, Sierra Club responds as follows:

Response to Interrogatory No. 1

Interrogatory: “State all factual bases for Your opposition to the Project.”

Response: Sierra Club objects to this interrogatory as overly broad, unduly burdensome, vague, and premature to the extent it seeks a complete statement of Sierra Club’s testimony, hearing evidence, legal theories, or evidentiary presentation before the date established by the Hearing Officer for prefiled testimony and related hearing submissions. Sierra Club further objects to this interrogatory to the extent it seeks attorney work product, internal legal analysis, or trial-preparation materials. Sierra Club also objects that the full extent of Sierra Club’s contentions will be provided through direct testimony and developed further during this proceeding, and that information is best obtained in that manner.

Subject to and without waiving these objections, Sierra Club refers to its Petition to Intervene, and the issues identified for adjudication in this proceeding. Sierra Club’s opposition is based on concerns within those adjudicated issues, including adverse impacts to Park resources, compatibility with the Adirondack Park land use and development plan, compatibility with the Rural Use land classification, and whether the Project would result in undue adverse impacts. Sierra Club will further identify the factual base for its position in its prefiled testimony and hearing submissions, in accordance with the schedule established by the Hearing Officer. Sierra Club may further identify relevant facts after review and examination of Applicants’ prefiled testimony.

Response to Interrogatory No. 2

Interrogatory: “Identify all statutes, regulations, or legal standards You contend the Project violates.”

Response: Sierra Club objects to this interrogatory as overly broad, vague, and premature to the extent it seeks a complete statement of Sierra Club’s legal theories or hearing presentation before the date established by the Hearing Officer for prefiled testimony and related submissions. Sierra Club further objects to this interrogatory to the extent it seeks attorney work product, legal research, or internal legal analysis.

Subject to and without waiving these objections, Sierra Club states that the Project must be evaluated under the legal standards governing the issues identified for adjudication in this proceeding, including applicable provisions of the Adirondack Park Agency Act, Executive Law Article 27, and applicable APA regulations. Sierra Club will further identify relevant statutes, regulations, and legal standards in its prefiled testimony and hearing submissions, in accordance with the schedule established by the Hearing Officer. Sierra Club may further identify relevant statutes, regulations, or legal standards after review and examination of Applicants’ prefiled testimony.

Response to Interrogatory No. 3

Interrogatory: “Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.”

Response: Sierra Club objects to this interrogatory as overly broad, unduly burdensome, vague, and premature to the extent it seeks a detailed statement of Sierra Club’s prefiled testimony, expert evidence, supporting documents, or hearing presentation before the date established by the Hearing Officer. Sierra Club further objects to this interrogatory to the extent it seeks attorney work product, expert draft materials, internal analysis, or trial-preparation materials.

Subject to and without waiving these objections, this interrogatory seeks information that would duplicate Sierra Club’s prefiled testimony, which has not yet been completed and will be submitted in accordance with the schedule established by the Hearing Officer. Sierra Club states that its concerns include adverse environmental impacts and other issues within the scope of the adjudicated issues, including impacts to Park resources, nearby land uses, noise-sensitive resources, open space, wilderness and wild forest resources, wildlife, and recreational resources and uses, as well as the Project’s compliance with the APA Act and compatibility with the Rural Use classification. Sierra Club will further describe the environmental impacts, bases, and supporting evidence for its position in its prefiled testimony and hearing submissions and may identify additional environmental impacts or bases after review and examination of Applicants’ prefiled testimony.

Response to Interrogatory No. 4

Interrogatory: “Identify all studies, reports, or data upon which You rely.”

Response: Sierra Club objects to this interrogatory as overly broad and premature to the extent it seeks a final identification of all studies, reports, or data before Sierra Club’s prefiled testimony and hearing submissions are due. Sierra Club further objects to this interrogatory to the extent it seeks privileged materials, attorney work product, expert draft materials, or internal trial-preparation materials.

Subject to and without waiving these objections, Sierra Club states that studies, reports, and data reviewed to date and upon which Sierra Club may rely include publicly available documents on the APA hearing website, including Project application materials, Notices of Incomplete Application, Applicant responses to the Notices of Incomplete Application, public comments, and APA Staff hearing materials. Sierra Club will identify studies, reports, data, and other non-privileged materials upon which it intends to rely in its prefiled testimony and hearing submissions, in accordance with the schedule established by the Hearing Officer.

Response to Interrogatory No. 5

Interrogatory: “Describe any alternative designs, locations, or mitigation measures You propose.”

Response: Sierra Club objects to this interrogatory as vague, overly broad, and premature to the extent it seeks Sierra Club’s hearing presentation or expert analysis before the date established by the Hearing Officer. Sierra Club further objects to the extent the interrogatory assumes facts not established, including that Sierra Club is proposing specific alternative designs, locations, or mitigation measures.

Subject to and without waiving these objections, Sierra Club does not presently identify specific alternative designs, locations, or mitigation measures proposed by Sierra Club. Sierra Club further states that project design, location, and mitigation measures are matters for Applicants to propose and support, in consultation with Adirondack Park Agency project review staff. To the extent Sierra Club addresses mitigation measures, project alternatives, or conditions in its hearing presentation, it will do so in accordance with the schedule established by the Hearing Officer.

Response to Interrogatory No. 6

Interrogatory: “Identify all Communications with government agencies concerning the Project.”

Response: Sierra Club objects to this interrogatory as overly broad, unduly burdensome, vague, and not reasonably limited in subject matter, custodian, agency, or time. Sierra Club further objects to the extent this interrogatory seeks privileged communications, attorney work product, internal strategic communications, or communications protected by any applicable privilege or protection.

Subject to and without waiving these objections, Sierra Club states that its communications with government agencies concerning this proceeding have been limited to the APA Hearing Officer and APA Hearing Staff, which have been served on the parties or are otherwise reflected in the public hearing record. Sierra Club further states that it has communicated with the United States Army DEVCOM in connection with a Freedom of Information Act request. Sierra Club will identify non-privileged communications with government agencies, if any, that it intends to rely upon at the Hearing in accordance with the schedule established by the Hearing Officer.

Response to Interrogatory No. 7

Interrogatory: “State whether You contend the Project poses risks to public health or safety and describe the basis for such contention.”

Response: Sierra Club objects to this interrogatory as overly broad, vague, and premature to the extent it seeks Sierra Club’s complete testimony, expert opinions, or hearing presentation before the date established by the Hearing Officer. Sierra Club further objects to this interrogatory to the extent it seeks attorney work product, internal legal analysis, expert draft materials, or trial-preparation materials.

Subject to and without waiving these objections, Sierra Club’s concerns are generally related to environmental impacts, Park resources, nearby land uses, and the Forest Preserve. Sierra Club contends that the Project poses public health and safety risks to the extent they fall within the issues identified for adjudication, including impacts on nearby land uses, noise, operation and transport of military equipment, and other concerns identified in the hearing materials. Sierra Club will identify the basis for any such contention in its prefiled testimony and hearing submissions, in accordance with the schedule established by the Hearing Officer, and may further respond after review and examination of Applicants’ prefiled testimony.

Response to Interrogatory No. 8

Interrogatory: “Identify all experts consulted, whether or not they will testify.”

Response: Sierra Club objects to this interrogatory to the extent it seeks the identities of consulting experts who are not expected to testify, privileged consulting-expert information,

attorney work product, trial-preparation materials, or protected communications with experts. Sierra Club further objects to this interrogatory as overly broad and premature to the extent it seeks expert disclosures beyond those required by the schedule established by the Hearing Officer.

Subject to and without waiving these objections, Sierra Club is presently consulting with the following individuals, who may provide testimony or assistance concerning issues identified for adjudication in this proceeding:

- Neil F. Woodworth, P.O. Box 32, Wanakena, NY 13695
- Elizabeth Thorndike, 27 Maplewood Drive, Ithaca, NY 14850
- Nicholas A. Robinson, Elisabeth Haub School of Law at Pace University, 78 North Broadway, White Plains, NY 10603

Sierra Club will identify testifying experts, if any, and related expert materials in accordance with the applicable scheduling order, the schedule established by the Hearing Officer, and disclosure requirements governing this proceeding.

Response to Interrogatory No. 9

Interrogatory: “Describe any prior proceedings in which You have opposed similar projects.”

Response: Sierra Club objects to this interrogatory as vague, overly broad, unduly burdensome, and irrelevant to the adjudicable issues in this proceeding. Sierra Club further objects because the phrase “similar projects” is undefined and could encompass a broad range of unrelated projects or proceedings.

Subject to and without waiving these objections, Sierra Club states that it has participated in or expressed concerns regarding other proceedings involving development or impacts on Park resources. Regarding Sierra Club’s present knowledge, however, it is not aware of a prior proceeding involving a materially similar proposed howitzer testing range within the Adirondack Park. Sierra Club will supplement this response if appropriate and consistent with the applicable procedural requirements.

Response to Interrogatory No. 10

Interrogatory: “State whether the hearing officer in this Hearing is a current or former member of Your organization, whether the hearing officer is currently paying or formerly paid dues or made donations to Your organization, and the years of the hearing officer’s active membership in Your organization.”

Response: Sierra Club objects to this interrogatory as irrelevant, immaterial, overbroad, unduly burdensome, and outside the proper scope of discovery in this proceeding. Sierra Club further objects because the interrogatory seeks confidential membership and donor information, invades privacy and confidentiality interests, and implicates protected associational rights. Sierra Club's membership and donor information has no bearing on the Hearing issues or the presentation and examination of Hearing evidence.

Subject to and without waiving these objections, after reasonable inquiry, Sierra Club is not aware that the Hearing Officer is a current or former member or donor of Sierra Club.

Response to Interrogatory No. 11

Interrogatory: "The following is to be answered by Adirondack Council only:

- (a) State whether Rush Holt, Jr. is a current member of Your organization;
- (b) State the years Rush Holt, Jr. paid dues or made a donation to Your organization;
- (c) Describe Rush Holt, Jr.'s current participation in Your organization;
- (d) State whether there has been any Communication between Rush Holt, Jr. and any member, officer, employee, and staff person of Your organization relating to the Project and Hearing."

Response: This interrogatory is directed to Adirondack Council only and does not call for a response from Sierra Club.

Dated: April 29, 2026

Respectfully Submitted,

By: 

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TO:
Applicants
Service List

